

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

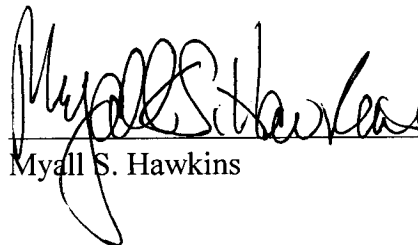
1047406 Ontario Ltd. and	)	
Purifics ES, Inc.,	)	
	)	
Opposers	)	Opposition No.: 91194706
	)	
v.	)	
	)	
UVCleaning Systems, Inc., dba Puralytics	)	
Corporation,	)	
	)	
Applicant.	)	

**REDACTED**

**CERTIFICATE OF MAILING 37 C.F.R. 1.8**

I hereby certify that, on January 10, 2013, a true and correct copy of the "REDACTED Oral Deposition of Brian Butters taken on October 10, 2012, and Exhibits 12-23, 27-28, and 100-118" were forwarded by Federal Express to:

Trademark Trial and Appeal Board  
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Alexandria, VA 22314

  
Myall S. Hawkins

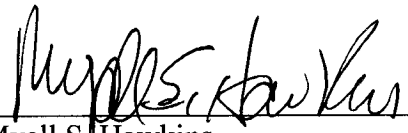
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Corporation,	)	
	)	
Applicant.	)	

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**CERTIFICATE OF SERVICE**

I hereby certify that, on January 10, 2013, a true and complete copy of the attached "REDACTED Oral Deposition of Brian Butters taken on October 10, 2012, and Exhibits 12-23, 27-28, and 100-118" has been forwarded by Federal Express to Applicant's counsel, as follows:

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\_\_\_\_\_  
Myall S. Hawkins

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UVCleaning Systems,	)	
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Corporation,	)	
	)	
Applicant.	)	

**REDACTED**

ORAL DEPOSITION OF BRIAN BUTTERS  
OCTOBER 10, 2012

ORAL DEPOSITION OF BRIAN BUTTERS, produced as a witness at the instance of the Opposers and duly sworn, was taken in the above styled and numbered cause on Wednesday, October 10, 2012, from 11:01 a.m. to 3:17 p.m., before ROBIN GROSS, CSR in and for the State of Texas, reported by computerized stenotype machine, at the Offices of Baker & McKenzie, LLP, 711 Louisiana, Suite 3400, Houston, Texas, pursuant to the Federal Rules of Civil Procedure and the provisions stated on the record herein.

A P P E A R A N C E S

FOR THE OPPOSERS:

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FOR THE APPLICANT:

MS. SALUMEH R. LOESCH (Present via telephone)  
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One World Trade Center, Suite 1600  
Portland, Oregon 97204  
503-595-5300

Also Present:

MR. TONY POWELL, Purifics



## I N D E X

1

2

PAGE

3

Appearances ..... 2

4

5

BRIAN BUTTERS

Examination by Mr. Pham..... 6

6

Examination by Ms. Loesch..... 55

Examination by Mr. Pham ..... 127

7

Signature and Changes..... 131

8

Reporter's Certificate..... 133

9

## E X H I B I T S

10

11

NO.	DESCRIPTION	PAGE
-----	-------------	------

12

12	Official NSF listing for Purifics, Bates PURIFICS 58	6
----	---	---

13

13	Two pages, article in U.S. Water News, Bates PURIFICS 79-80	6
----	--	---

14

14	Color printout of Purifics website, Bates PURIFICS 120-142	6
----	---	---

15

15	Bates PURIFICS 152-153, re Advanced Oxidation Technologies workshop	6
----	--	---

16

16	Bates PURIFICS 154, re Remediation Solutions, Brownfields 2004	6
----	---	---

17

17	Bates PURIFICS 157-158, re NDIA 2005 Global Demilitarization Symposium	6
----	---	---

18

18	Bates PURIFICS 159-161, re NDIA 2006 Global Demilitarization Symposium	6
----	---	---

19

19	Bates PURIFICS 162, re Remediation of Chlorinated and Recalcitrant Compounds	6
----	---	---

20

20	Bates PURIFICS 155-156, re IUVA News, June 2004	6
----	--	---

21

1	21	Bates PURIFICS 57, award to Purifics by NRC-CNRC, 2003	6
2			
3	22	Bates PURIFICS 103, Media Release	6
4	23	Bates PURIFICS 180, email dated March 5, 2010 to Powell from Buchsieb	6
5	24	Bates PURIFICS 726-727, trademark co-existence agreement	6
6			
7	25	Bates PURIFICS 728-732, letter dated Jan. 26, 2011, Sacoff to Montas	6
8	26	Bates PURIFICS 930-932, email dated 6/21/2011, re Settlement agreement	6
9			
10	27	Bates PURIFICS 742-746, Petition for Cancellation	6
11	28	Bates PURIFICS 754-763, Surrender for Cancellation	6
12			
13	100	Bates PUR 451-2, TESS search Purifex	55
14	101	Bates PUR 453-4, TESS search Purifica	55
15	102	Bates PUR 455-6, TESS search Purifite	55
16	103	Bates PUR 461-2, TESS search Purative	55
17	104	Bates PUR 485-6, TESS search Puronics	55
18	105	Bates PUR 528-9, TESS search Puronics	55
19	106	Bates PUR 526-7, TESS search Puratron	55
20	107	Bates PUR 530-1, TESS search Purefit	55
21	108	Bates PUR 897-8, TESS search Purica	55
22	109	Bates PUR 902-3, TESS search Puretec	55
23	110	Bates PUR 517-8, TESS search Purac	55
24	111	Bates PUR 507-8, TESS search Puroflo	55
25	112	Bates PUR 501, TESS search Purefecta	55

1	113	Bates PUR 497-8, TESS search Puramax	55
2	114	Bates PUR 509-510, TESS search Purlogix	55
3			
4	115	Bates PUR 513-14, TESS search Puricom	55
5	116	Bates PUR 505-6, TESS search Ipure	55
6	117	TESS search results for Purifics, two pages	55
7	118	TESS search results for Puralytics, one page	55
8			
9			
10			
11			
12			
13			
14			
15			
16			
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18			
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1 (Exhibit Nos. 12-28 designated)

2 BRIAN BUTTERS,

3 having been duly sworn, testified as follows:

4 EXAMINATION

5 BY MR. PHAM:

11:01:08 6 Q. Please state your name for the record.

11:01:10 7 A. Brian Butters.

11:01:11 8 Q. Where do you live?

11:01:13 9 A. I live in London, Ontario, Canada.

11:01:18 10 Q. Have you ever been deposed before in the U.S.?

11:01:22 11 A. No, I have not.

11:01:23 12 Q. Let me go over the rules with you a little bit on  
11:01:24 13 depositions. I'm going to ask you some questions, and  
11:01:27 14 if you give me a chance to fully ask my questions I'll  
11:01:30 15 give you a chance to fully answer. And if you have an  
11:01:33 16 answer of yes or no, please make sure that you say yes  
11:01:37 17 and not uh-huh or nod your head, so that we get it down  
11:01:40 18 on the record.

11:01:41 19 If you ever need a break, feel free to tell us  
11:01:44 20 that you need a break and we'll schedule one at the  
11:01:47 21 appropriate time. Sometimes you will hear an objection  
11:01:50 22 either from me or from opposing counsel. Please let  
11:01:54 23 them finish the objection and then you can continue to  
11:01:56 24 answer unless I instruct you to not answer otherwise.

11:02:01 25 My name is Tan Pham, by the way, and I'm here

11:02:04 1 with my colleague Myall Hawkins, and you understand you  
11:02:08 2 are here as the deponent for 1047406 Ontario Limited and  
11:02:15 3 Purifics E.S. versus UVCleaning Systems, Inc.?

11:02:20 4 A. Yes.

11:02:20 5 Q. What is your educational background?

11:02:22 6 A. I have an engineering degree from the University  
11:02:25 7 of Waterloo in mechanical engineering. And I have an  
11:02:31 8 MBA from the University of Western Ontario.

11:02:34 9 Q. Prior to Purifics, where have you worked?

11:02:37 10 A. I've worked in the aerospace industry. I've  
11:02:43 11 worked in the defense industry with a defense  
11:02:46 12 contractor. I started out basically as a satellite  
11:02:50 13 systems engineer with the integration test of  
11:02:55 14 communications satellite. I've worked in Canada and the  
11:03:02 15 U.S. on it. I've worked on launch programs of Kennedy  
11:03:07 16 Space Center and others.

11:03:11 17 After that, I went back to school for a short  
11:03:15 18 term, graduated, spent a very short time with Northern  
11:03:18 19 Telecom in retail products area, marketing, before I  
11:03:24 20 ended up with a company called Indal Technologies as a  
11:03:31 21 program manager for what you would know as RAST for the  
11:03:36 22 U.S. Navy for landing helicopters on frigates.

11:03:40 23 And after that program was brought under control  
11:03:43 24 I worked on environmentally compliant ships. Got a fair  
11:03:48 25 amount of research money to investigate water

11:03:55 1 purification technologies for cleaning up water. And  
 11:04:00 2 from there I ended up -- that's where I first become  
 11:04:03 3 aware of photocatalysis, and I worked on photocatalysis  
 11:04:09 4 for a bit before starting Purifics in 1993.

11:04:12 5 Q. And when you said that you've investigated water  
 11:04:17 6 purification technologies, which company was that with?

11:04:20 7 A. That was with Indal Technologies.

11:04:22 8 Q. And prior to or after Indal Technologies is there  
 11:04:25 9 any other company that you have worked at that dealt  
 11:04:27 10 with purification?

11:04:28 11 A. Yes. After Indal, I was brought into a company  
 11:04:33 12 called NuTech to clean up a research program on  
 11:04:41 13 photocatalysis.

11:04:41 14 Q. What is your current position at Purifics?

11:04:44 15 A. I am the president of Purifics.

11:04:46 16 Q. And what are your responsibilities at Purifics?

11:04:51 17 A. My responsibilities at Purifics are business  
 11:04:53 18 development, program management, research and  
 11:04:57 19 development activities, and I also have responsibility  
 11:05:02 20 for ensuring that projects are completed on budget and  
 11:05:07 21 on spec.

11:05:10 22 Q. When was Purifics formed?

11:05:14 23 A. Formed the company in early November 1993.

11:05:20 24 Q. This was the current Purifics ES, Inc.?

11:05:24 25 A. Sorry. Purifics ES, Inc., was formed in 2003.

11:05:30 1 Q. And who formed it?

11:05:35 2 A. It was formed by myself and the aid of a law  
11:05:42 3 firm.

11:05:42 4 Q. How many employees does Purifics have?

11:05:46 5 A. We currently have eleven employees full time.  
11:05:55 6 And then we have from time to time some co-op students  
11:05:57 7 and stuff that come in.

11:06:04 8 Q. Where does Purifics mainly operate?

11:06:10 9 A. Could you clarify the question?

11:06:12 10 Q. Sure. Geographically, where does Purifics  
11:06:18 11 operate?

11:06:19 12 A. We operate production facilities basically out of  
11:06:24 13 London, Ontario. We source product from across North  
11:06:29 14 America. Our business environment is predominantly the  
11:06:34 15 U.S. market. Depending on the year, it ranges anywhere  
11:06:38 16 from 85 to 90 percent in the U.S. market, and with a  
11:06:43 17 little bit in Canada and a little bit offshore.

11:06:46 18 Q. Now, we have two opposers within this opposition  
11:06:50 19 proceedings, 1047406 Ontario Ltd. and Purifics ES, Inc.  
11:06:57 20 Can you please explain the relationship between those  
11:06:59 21 two entities?

11:07:00 22 A. Yes. Ontario Ltd. owns Purifics ES, Inc.  
11:07:06 23 Originally there was one company, started in 1993, and  
11:07:11 24 it was restructured in 2003 to separate the intellectual  
11:07:18 25 property from the operating activities. So one is

11:07:21 1 really a holding company and the other is the operating  
11:07:24 2 company, coming from the original entity.

11:07:31 3 Q. So Purifics ES, that we'll refer to as Purifics,  
11:07:39 4 that has a license and permission to use the  
11:07:43 5 intellectual property?

11:07:44 6 A. Correct.

11:07:45 7 Q. Do you receive any funding or grants?

11:07:51 8 A. Yes. Purifics has received government money  
11:07:53 9 through the National Research Council to advance or  
11:07:57 10 develop technology.

11:08:00 11

11:08:07 12

11:08:11 13

11:08:16 14

[REDACTED]

11:08:24 15

11:08:28 16

11:08:31 17

11:08:37 18

11:08:40 19

11:08:49 20 Q. What does the Purifics mark mean?

11:08:54 21 A. Purifics mark, I came up with that when I was  
11:08:57 22 looking at forming the company. I wanted to portray to  
11:09:03 23 the market what the company was intended to do, which  
11:09:09 24 was to purify fluids, water, air. And so I sat down,  
11:09:17 25 and the key words I had was basically some form of



11:09:22 1 "purify" and "photocatalysis." When I was looking at  
11:09:28 2 forming a brand, I wanted a word that would be  
11:09:31 3 recognized and understood to convey what the company  
11:09:36 4 did. I sat down with piece of paper, I wrote down  
11:09:42 5 various forms of purify, purification, I wrote down  
11:09:46 6 various forms of photocatalysis, photocatalytic, and I  
11:09:51 7 combined those words in various forms. I came up with  
11:09:55 8 Purific, Purifics, Purifees, and any combination of  
11:10:00 9 those two words. And that eventually came up with  
11:10:06 10 Purifics, with the S, and that's the brand that  
11:10:14 11 represents what we've done ever since.

11:10:16 12 Q. Now, when you say that you came up with the mark  
11:10:21 13 Purifics, was there anybody else involved with the  
11:10:23 14 creation of that mark or was it just you?

11:10:26 15 A. It was just myself. I did, shortly thereafter,  
11:10:32 16 have a search done. I don't remember exactly who, I  
11:10:38 17 think it was a local lawyer I had to do the word search,  
11:10:42 18 and to ensure it was unique and wouldn't interfere with  
11:10:49 19 an existing or similar name for the same wares.

11:10:54 20 Q. So when did you create the Purifics mark?

11:10:56 21 A. November 1993.

11:10:58 22 Q. And this search that you were talking about that  
11:11:01 23 you had a local lawyer do, do you remember when he did  
11:11:03 24 that search?

11:11:05 25 A. Sometime in 1993. Would be late in the year.

11:11:14 1 Q. To your knowledge did the word Purifics exist  
11:11:17 2 prior to your creation of it?

11:11:18 3 A. No, it did not.

11:11:24 4 Q. Why did you select Purifics over any of the other  
11:11:30 5 iterations that you had?

11:11:32 6 A. I wanted to avoid misspellings. I wanted to  
11:11:39 7 avoid it being shortened up or misspelled. For example,  
11:11:46 8 I looked at "Purific," but because things were going to  
11:11:50 9 be possessive, Purific's technology, it was always going  
11:11:56 10 to be pronounced with an S. It's a combination of  
11:12:00 11 purification and photocatalytics, Purifics, so it  
11:12:06 12 communicated what we did.

11:12:11 13 Q. Did you do a search on any other marks similar to  
11:12:15 14 Purifics?

11:12:22 15 A. As I said, I had a word search done. It was  
11:12:26 16 done, if I recall correctly, by a local lawyer in  
11:12:30 17 London, and I remember that there was nothing that  
11:12:34 18 conflicted with Purifics. So I did not see any other  
11:12:38 19 wording that looked like Purifics. Now, I was familiar  
11:12:42 20 in the market with other companies that were involved in  
11:12:48 21 photocatalysis and advanced oxidation processes, and  
11:12:56 22 they did not have names similar to what I was proposing.

11:13:07 23 Q. What are your types of customers?

11:13:08 24 A. Our customer base covers a wide range. We  
11:13:13 25 basically break it into three sectors: Remediation,

11:13:20 1 industrial, and municipal. And that customer base can  
11:13:24 2 be anywhere from a liter, a fraction of a gallon, up to  
11:13:30 3 many million gallon-per-day type applications. My  
11:13:38 4 customer base includes the likes of people on water  
11:13:41 5 boards, it includes consulting engineers, it includes  
11:13:46 6 private industry, it can include independent individuals  
11:13:53 7 like in trailer camps or homeowners.

11:14:00 8 Q. Who do you mainly market to?

11:14:07 9 A. We mainly market to the U.S. market. As I said,  
11:14:15 10 most of our business is in the U.S., with a little bit  
11:14:18 11 offshore. We market to the end users. We market  
11:14:24 12 through channels such as reps.

11:14:31 13 Q. Which industries do you operate in?

11:14:36 14 A. We operate in -- from an industrial perspective,  
11:14:41 15 we operate in oil and gas, we operate in pharmaceutical,  
11:14:48 16 we operate in semiconductor, we operate in defense  
11:14:53 17 sector, we operate in energy sector of industry.

11:14:57 18 Q. And do you have any type of governments that are  
11:15:01 19 your customers?

11:15:02 20

11:15:08 21

11:15:11 22

11:15:19 23

[REDACTED]

11:15:24 24

11:15:30 25

11:15:33 1

[REDACTED]

11:15:45 2

11:15:48 3 Q. What about local governments?

11:15:53 4

11:15:58 5

11:16:03 6

[REDACTED]

11:16:14 7

11:16:20 8

11:16:25 9

11:16:30 10 MR. PHAM: Salumeh, can we ask you to mute

11:16:33 11 your phone, we're getting a lot of feedback.

11:16:37 12 MS. LOESCH: I have a headset.

11:16:39 13 MR. PHAM: Okay. I think we're picking up a  
11:16:40 14 lot of sounds in your office.

11:16:43 15 MS. LOESCH: Huh.

11:16:45 16 THE WITNESS: It's better now.

11:16:49 17 MR. PHAM: We're just hearing a lot --

11:16:51 18 MS. LOESCH: I have my space heater on.

19 MR. PHAM: Okay.

11:16:54 20 MS. LOESCH: Sorry about that.

11:16:55 21 MR. PHAM: Sure.

11:16:56 22 (BY MR. PHAM)

11:16:56 23 Q. Now, we were talking about your different

11:16:59 24 customers. Certainly you -- are your end users of your

11:17:04 25 Purifics products, can they be different from your

11:17:07 1 customers, the customers in -- by who is purchasing your  
11:17:11 2 equipment versus who actually uses it?

11:17:14 3 A. Yes. We operate in both or sell into both  
11:17:17 4 markets. So our customers can be the pathway to the end  
11:17:23 5 user; we also sell directly to the end user.

11:17:27 6 Q. What type of end users would those be?

11:17:30 7

11:17:36 8

11:17:43 9

[REDACTED]

11:17:54 10

11:18:04 11

11:18:08 12

11:18:10 13 Q. You mentioned campgrounds. Have you ever sold or  
11:18:14 14 offered for sale or received an inquiry from  
11:18:18 15 campgrounds?

11:18:18 16 A. We have an inquiry run going right now for a  
11:18:25 17 campground or RV park, I'm not sure which it is, through  
11:18:30 18 a consulting firm to supply drinking water for that  
11:18:33 19 facility.

11:18:34 20 We've also done a school for about 250 kids to  
11:18:42 21 purify contaminated groundwater for the school. There's  
11:18:51 22 a number like that that we've done across the U.S.,  
11:18:54 23 North America. The details escape me of others at the  
11:18:59 24 moment.

11:18:59 25 Q. You mentioned that you've sold your products to

11:19:01 1 schools before. Do you remember where the school was  
11:19:05 2 located?

11:19:05 3 A. Yes. We did a drinking water demonstration of  
11:19:11 4 about a year duration. That is in Ontario, Canada, just  
11:19:16 5 north of Kingston. It's in the Canadian Shield.

11:19:20 6 Q. And do you remember who made the inquiry into --  
11:19:24 7 initial inquiry into and who was in charge of  
11:19:28 8 communicating with you from the school?

11:19:32 9 A. It was funded through the Ontario government and  
11:19:37 10 handed over to the Ministry of Education. The original  
11:19:42 11 minister, Wilkinson, is how we got started in that  
11:19:47 12 process.

11:19:47 13 Q. So a school administrator?

11:19:54 14 A. He was actually with the government.

11:19:55 15 Q. How do you market your products?

11:19:58 16 A. We market through trade shows. We market through  
11:20:00 17 the internet. We market through conferences. We market  
11:20:06 18 through webinars. We market through consultants, go  
11:20:14 19 give lunchtime presentations. We market through reps.

11:20:22 20 Q. How long have you sold your products with the  
11:20:25 21 Purifacs mark?

11:20:27 22 A. We started in 1993 with the Purifacs mark and  
11:20:31 23 have used it ever since. It's on all of our documents,  
11:20:36 24 it's on our vehicles, it's on our website. Based on my  
11:20:43 25 background in marketing, from a business degree, we put

11:20:46 1 it everywhere we can appropriately.

11:20:50 2 Q. Do you have any limitations on who can purchase  
11:20:54 3 any of your products?

11:20:55 4 A. No, we do not.

11:21:08 5 Q. Mr. Butters, I'm going to hand to you what's been  
11:21:12 6 designated as Exhibit No. 12, if you can just take a  
11:21:16 7 minute to look at it and identify that document.

11:21:19 8 A. This is our NSF listing for our photocatalytic  
11:21:26 9 technology for drinking water systems.

11:21:31 10 Q. And what does NSF stand for?

11:21:35 11 A. It's National -- I believe -- Science Foundation.  
11:21:38 12 I'm not sure what the -- science or sanitary foundation.  
11:21:42 13 And it's a regulatory body that tests water treatment  
11:21:48 14 systems for compliance. They're very similar to  
11:21:52 15 Underwriters Laboratory or UL, they do the same thing.  
11:21:56 16 And they tested our equipment to make sure it is  
11:21:59 17 compliant with the Standard 61, which is a requirement  
11:22:04 18 in many states in the U.S. before you can sell your  
11:22:09 19 wares for drinking water application.

11:22:12 20 Q. Can you read for us into the record just the top  
11:22:17 21 two lines, right after Official Listing, starting with  
11:22:22 22 "NSF International certifies."

11:22:26 23 A. NSF International certifies that the products  
11:22:30 24 appearing on this listing conform to the requirements of  
11:22:35 25 the NSF/ANSI Standard 61 drinking water system

11:22:40 1 components - health effects. This is an official  
11:22:42 2 listing recorded as of June 2008.

11:22:46 3 Q. Can you tell us why it's important that you have  
11:22:48 4 this NSF certification?

11:22:52 5 A. It's important because you can't sell in large  
11:22:55 6 sections of the U.S. without it, as well as certain  
11:22:59 7 countries outside of the U.S. It's an important  
11:23:03 8 third-party validation that your product, in this case  
11:23:09 9 our photocatalytic product, does not do any harm to the  
11:23:15 10 water. It doesn't release any chemicals or other  
11:23:23 11 undesirable minerals or metals to the water.

11:23:28 12 Q. This certification that you have, can you tell us  
11:23:30 13 what parts of your product it covers?

11:23:32 14 A. Our photocatalytic product is fully covered.  
11:23:38 15 It's kind of a unique listing that we went after. It  
11:23:43 16 covers everything: The materials of construction, the  
11:23:49 17 quartz, the photocatalyst, and over the full range of  
11:23:54 18 application from the most smallest application to the  
11:23:57 19 largest application.

11:24:04 20 Q. And when your certification here says that it's  
11:24:08 21 drinking water system components health effects, meaning  
11:24:11 22 it is potable water, your system is certified for  
11:24:15 23 potable water?

11:24:16 24 A. Correct.

11:24:19 25 Q. Do you offer any services in connection with your



11:24:21 1 products?

11:24:23 2 A. Yes. We offer design services. So we'll design  
11:24:29 3 the water treatment solution for the end user, be it a  
11:24:34 4 water reuse application, be it drinking water  
11:24:38 5 application, be it an industrial application.

11:24:43 6 We also offer startup services. We offer  
11:24:49 7 after-sales support services. We also offer control  
11:24:55 8 services, control or software services for our products,  
11:24:59 9 as well as energy services. So we'll design systems for  
11:25:06 10 LEEDS compliance for buildings. We'll also provide  
11:25:12 11 energy reduction options to minimize energy consumption  
11:25:17 12 when you're processing the water, right down to with our  
11:25:22 13 little Photo-Cat L system. It's set up to even run the  
11:25:26 14 well pump.

11:25:27 15 Q. Do you offer any consulting services?

11:25:31 16 A. We are not licensed to offer consulting services.  
11:25:35 17 We are able to provide engineering services under the  
11:25:41 18 law.

11:25:41 19 Q. And what kind of engineering services would those  
11:25:44 20 be?

11:25:46 21 A. Solution design, process design based on our  
11:25:49 22 technology, a photocatalytic technology. We can certify  
11:25:54 23 the equipment to the required standards. We've done oil  
11:26:04 24 and pressure vessel certification, we've done some  
11:26:07 25 structural certifications. It depends on the market.

11:26:11 1 We can provide things into California with seismic  
11:26:15 2 requirements. We can provide things into, like I say,  
11:26:20 3 the small-community drinking water markets based on our  
11:26:25 4 ability to engineer and provide to compliance. We do  
11:26:30 5 also electrical certification of the equipment before  
11:26:33 6 it's shipped into the U.S.

11:26:36 7 Q. Let's go back for a minute to our prior  
11:26:39 8 discussion of your customers, and you mentioned  
11:26:43 9 residential. Can you describe to us the type of  
11:26:48 10 residential inquiries that you've had?

11:26:50 11 A. Sure. State of Pennsylvania, their environmental  
11:26:56 12 agency has approached us for groundwater treatment  
11:27:01 13 solutions for municipal or residential wells,  
11:27:07 14 residential wells contaminated with 1,4-dioxane. These  
11:27:13 15 have been single-user applications and cluster home  
11:27:18 16 applications.

11:27:19 17 We've also had in the past other inquiries for  
11:27:22 18 motels and resorts that rely on the local water supply  
11:27:26 19 as well. And we have equipment for single-user or  
11:27:31 20 cluster-user that is capable of doing that. As I say,  
11:27:37 21 it will run their well pump and things like this.

11:27:41 22 Other clients that we have include laboratories  
11:27:45 23 that use our equipment for research activity or for  
11:27:51 24 purifying water for a specific need. We make a very  
11:27:56 25 pure water for reverse osmosis units. We have them in

11:28:03 1 labs at Arizona State, Georgia, Florida University. We  
11:28:11 2 have two systems here in a lab in Texas for a U.S.  
11:28:15 3 government program. We have another one in China Lake  
11:28:20 4 with the Navy. We have them in labs around the world,  
11:28:23 5 in Bahrain and Seoul, Korea.

11:28:29 6 Q. And what kind of advertising do you do?

11:28:36 7 A. We used to do print advertising. That's kind of  
11:28:39 8 fallen to the background. We do some print advertising  
11:28:43 9 in newspapers and trade magazines. More recently we  
11:28:51 10 focus more on press releases and through trade shows,  
11:28:58 11 through webinars, flyers. We do a lot of handout of  
11:29:09 12 printed material. Other advertisement we do is on our  
11:29:13 13 vehicles, on our trucks.

11:29:15 14 When we ship goods, we label them, even though  
11:29:18 15 they're encased in plastic or crates, we label them so  
11:29:23 16 as they're going down the road that they're visibly  
11:29:27 17 seen. We have clothing, things like that, with our  
11:29:31 18 company name on it. Pens. We have handouts that we  
11:29:37 19 give out, plastic blue cover on it, that is a good --  
11:29:46 20 provides a lot of marketing pull. So those are the  
11:29:49 21 things we do.

11:29:50 22 Blue is kind of the corporate color. That's why  
11:29:55 23 Purifics is traditionally in blue, unless it's on a blue  
11:30:00 24 background and then it will be white. The other thing  
11:30:03 25 about Purifics that I think of now, too, is important to

11:30:07 1 us is that we use a swirl going from bottom left to  
 11:30:09 2 upper right which indicates that we're purifying the  
 11:30:13 3 water, we're taking it from a lower state to a higher  
 11:30:16 4 state of purity, and you see that with the dots that run  
 11:30:19 5 under our name and up through the F and across the top.

11:30:22 6 Q. And certainly, though, you've used Purifics just  
 11:30:25 7 by the word mark itself?

11:30:26 8 A. Correct.

11:30:27 9 Q. Without the graphics?

11:30:29 10 A. Correct.

11:30:30 11 Q. Now, do you ever issue any newsletters or media  
 11:30:34 12 releases?

11:30:34 13 A. Yes, we do. We have quite an extensive list of  
 11:30:38 14 distribution that's been built up over 19 years. We do  
 11:30:43 15 frequent press releases. We hire writers to write them.  
 11:30:48 16 At times we've used an agency to do it, to do the  
 11:30:53 17 mailouts. More recently we do it ourselves.

11:30:57 18 Would you repeat the question again?

11:30:58 19 Q. Yeah. Do you ever issue any newsletters or media  
 11:31:02 20 releases?

11:31:03 21 A. Media releases, news we do as well. We sometimes  
 11:31:09 22 help them with the articles, or call them up and make  
 11:31:11 23 them aware of significant events.

11:31:14 24 Q. Your media releases, who are those distributed  
 11:31:22 25 to?

11:31:23 1 A. Newspapers, trade magazines, various press. We  
11:31:30 2 have folks that call us up and ask to write articles on  
11:31:33 3 it for various media outlets.

11:31:40 4 Q. When you talk about that, are any of those  
11:31:44 5 outlets newspapers or magazine articles?

11:31:46 6 A. Yes.

11:31:47 7 Q. I'm going to hand to you what's been labeled as  
11:31:50 8 Exhibit No. 13. If you can please take a minute to  
11:31:54 9 review that, can you identify this document for us?

11:32:07 10 A. Yes, this is an article with U.S. Water News, I  
11:32:11 11 guess the "Water Quality" section. It's on page 16, it  
11:32:16 12 was issued in June of 1998, and it talks about one of  
11:32:22 13 our water treatment installations in Texas and what was  
11:32:27 14 known as the Motco Superfund site. Talks about our  
11:32:34 15 photocatalytic technology, basically how it works, what  
11:32:39 16 it does. I've been interviewed by the reporter.

11:32:50 17 Q. In what geographic regions do you advertise?

11:32:58 18 A. We advertise across the U.S. We advertise across  
11:33:06 19 Canada. We advertise in Korea, France, so Europe, a  
11:33:13 20 little bit in Australia, but the main focus is the U.S.  
11:33:18 21 market. The internet, of course, our website and  
11:33:21 22 whatnot is picked up in a variety of places. We do  
11:33:25 23 webinars that can span multiple time zones.

11:33:31 24 Q. You've mentioned U.S. is the bulk of your  
11:33:33 25 advertising. What would you say is the percentage

11:33:37 1 compared to the other geographic regions of advertising?

11:33:41 2

11:33:44 3

11:33:46 4

11:33:50 5

[REDACTED]

11:33:59 6

11:34:03 7

11:34:10 8

11:34:16 9

11:34:16 10

MR. PHAM: And, Salumeh, just as a

11:34:18 11

housekeeping matter, I'm going to designate Mr. Butters'

11:34:22 12

prior responses confidential.

11:34:24 13

MS. LOESCH: Okay.

11:34:27 14

(BY MR. PHAM)

11:34:27 15

Q. Which geographic regions have you sold or offered

11:34:31 16

for sale your products with the Purifacs mark?

11:34:36 17

A. Which regions or which states?

11:34:38 18

Q. Which geographic regions.

11:34:39 19

A. The East Coast, the West Coast, the Gulf Coast,

11:34:48 20

the watershed of the Rockies. Alaska. States we've

11:34:54 21

operated and sold into include Florida, Mississippi,

11:34:59 22

Texas, California, Colorado, Nevada, New Hampshire, New

11:35:10 23

York, Michigan and others.

11:35:13 24

Q. And for your services that you offer, which

11:35:18 25

geographic regions have you offered those services?

11:35:20 1 A. All of them.

11:35:24 2 Q. Do you use distributors?

11:35:29 3 A. Yes, we do. We have distributors in Korea,  
11:35:32 4 California, Florida, Nevada, Texas, Pennsylvania, New  
11:35:43 5 York and New Jersey. And that's as far as we've gotten  
11:35:46 6 at the moment.

11:35:48 7 Q. Who do your distributors sell to?

11:35:51 8 A. They sell to the end users, be they water boards,  
11:35:56 9 be they companies, be they, you know, small water  
11:36:04 10 outlets, single wells.

11:36:09 11 Q. How do you select your distributors?

11:36:12 12 A. I hired a consultant for the -- to find me the  
11:36:16 13 best in the U.S., and he had broad knowledge of the  
11:36:24 14 manufacturers' rep base in the U.S. and he found me some  
11:36:30 15 very good reps. They're well known to each other.

11:36:35 16 Q. You mentioned that you use the internet. Do you  
11:36:40 17 have your own website?

11:36:41 18 A. That's correct, we have our own website.

11:36:43 19 Q. I'm going to hand to you what's been designated  
11:36:45 20 as Exhibit No. 14, if you can please take a minute to  
11:36:50 21 look through this document. I know it's a little bit  
11:36:55 22 voluminous.

11:37:23 23 A. Okay. I've gone through it.

11:37:25 24 Q. What is this a document of?

11:37:28 25 A. This is essentially a printout of our website

11:37:35 1 from early 2011. It describes the company, what we do;  
11:37:41 2 it's got pictures of various installations we have  
11:37:49 3 throughout the U.S. It talks about our NSF 61  
11:37:54 4 certification for drinking water. It's got a picture of  
11:37:58 5 one of our pilot testing going on in Elkins, West  
11:38:02 6 Virginia, for a little water community.

11:38:04 7 It identifies our memberships with American Water  
11:38:08 8 Works Association and WaterReuse Foundation. Talks about  
11:38:12 9 our professional status. It's got a picture of one of  
11:38:15 10 our little pilot systems. It's got a picture of some  
11:38:18 11 work we did for a municipality on their leachate.

11:38:31 12 Talks about what we do for water. We have unique  
11:38:36 13 treatment systems for potable water reuse. ASR, which  
11:38:40 14 is aquifer storage and recharge. RO pretreatment.  
11:38:45 15 Disinfection. Recharge. Talks about what we take out  
11:38:50 16 of the water: Color, metal, odors, particulate,  
11:38:57 17 bacteria and so on, chemicals.

11:38:59 18 Q. Can you please turn to the page that is labeled  
11:39:03 19 PURIFICS 000126.

11:39:11 20 A. Okay.

11:39:11 21 Q. And what is this a printout of, this particular  
11:39:17 22 page?

11:39:18 23 A. This is a discussion on our photocatalytic  
11:39:20 24 technology. It shows our various platforms, ranging  
11:39:26 25 from our smallest platform to our largest. Our smallest



11:39:32 1 platform shown here is very portable. You can roll this  
11:39:41 2 into a room, it plugs into the wall, and it's got all  
11:39:45 3 the bells and whistles that a full-scale large system  
11:39:48 4 has.

11:39:49 5 Q. And when we talk about the smallest unit, which  
11:39:51 6 one is it on this page?

11:39:52 7 A. It's under Municipal Models, which is labeled as  
11:39:56 8 Lab.

11:39:57 9 Q. Is it also -- does it also go by another name  
11:40:04 10 other than Lab?

11:40:05 11 A. Yeah, it's typically called Photo-Cat L or  
11:40:09 12 Photo-Cat Light. It refers to the fact that it's a very  
11:40:12 13 small system with the same capabilities. This is  
11:40:14 14 something you'd use as a single user, use it at a home,  
11:40:19 15 use it at a campground; it's portable, you can carry  
11:40:23 16 this around in a truck. It has the ability to run the  
11:40:27 17 well pump as well. We've also built smaller versions of  
11:40:32 18 this that you can hand carry.

11:40:36 19 Q. And where would you use the smaller versions of  
11:40:42 20 those?

11:40:42 21 A. They were used basically for promotion. We took  
11:40:45 22 them into schools to give presentations. We took them  
11:40:49 23 to trade shows to talk to people, just to show how  
11:40:53 24 compact. It was also an idea to show how compact it  
11:40:59 25 could get for mounting them on the back of a Humvee or a

11:41:04 1 Stryker armored personnel carrier for the U.S.

11:41:12 2 government.

11:41:13 3 Q. You mentioned trade shows. Do you ever attend  
11:41:17 4 trade shows?

11:41:18 5 A. Yes, I do about a trade show a month. In the  
11:41:21 6 past year and a bit I've done the Water Environment  
11:41:27 7 Federation trade show in New Orleans. I did the  
11:41:33 8 American Water Works annual show called ACE in  
11:41:40 9 Washington D.C. last year. I was in Texas for the Texas  
11:41:43 10 Water Show earlier this year. Last month I was in  
11:41:48 11 Florida for the WaterReuse show. I had booths at all of  
11:41:57 12 these, been to a number of others. The list is also  
11:42:01 13 published on our website.

11:42:03 14 Q. What do you typically do at these trade shows?

11:42:05 15 A. I talk to the full gamut of people that are  
11:42:09 16 there. I talk to end users, I talk to operators, I talk  
11:42:13 17 to my reps, I talk to other reps, I talk to individuals  
11:42:19 18 with particular water challenges. I talk to regulators,  
11:42:25 19 the EPA or the state EPA. I talk to folks on the  
11:42:30 20 various water boards. I talk to some lawyers as well,  
11:42:36 21 other government officials. I participate in committees  
11:42:43 22 when I'm at these shows. The last one I did with  
11:42:47 23 WaterReuse I sat in and participated in their water reuse  
11:42:54 24 sector. Sometimes I give papers at these conferences as  
11:43:01 25 well.

11:43:02 1 Q. We'll go into conferences in a minute. At these  
11:43:05 2 trade shows do you ever have your products on hand?

11:43:09 3 A. Yes. Depending on the nature of the show we'll  
11:43:12 4 have, as I said, something as small as the hand-carried  
11:43:17 5 photocatalytic system. When I was in Washington last  
11:43:21 6 year I had a nice little display that basically had a  
11:43:25 7 basin or a sink in it and showed the water running. It  
11:43:29 8 would be contaminated with blue dye, it would run  
11:43:33 9 through the photocatalytic process and come back into  
11:43:36 10 the sink, which was a big clear glass bowl, as a clear  
11:43:40 11 colorless fluid. It had a little SCADA screen or TV  
11:43:46 12 screen there to explain what was going on.

11:43:47 13 We also do heavier pieces of equipment at trade  
11:43:52 14 shows. I did the Global Petroleum show this past year  
11:43:56 15 and I had a very large system that had to be brought in  
11:44:01 16 with a 15,000 pound forklift. We also take Photo-Cat Ls  
11:44:08 17 to trade shows for the smaller 8 by 10 or 10 by 10  
11:44:13 18 booths.

11:44:14 19 Q. I'm going to hand you what's been designated as  
11:44:17 20 Exhibit No. 16. If you can, please review that document  
11:44:22 21 and then identify it for us.

11:44:28 22 A. Okay. This is an advertisement for our  
11:44:33 23 participation in the Brownfield show in 2004, and we  
11:44:42 24 have our little Photo-Cat L there. Visit our booth for  
11:44:45 25 an on-hands product display of our Photo-Cat technology.

11:44:50 1 So this is an operating system, and again we can color  
11:44:53 2 the water to show its ability to clean the water. This  
11:45:01 3 is -- took place in St. Louis, September 2004. And it  
11:45:06 4 talks about our other capabilities, our photocatalytic  
11:45:09 5 process, oils, our design build and energy systems  
11:45:14 6 capability.

11:45:15 7 Q. And just to clarify, this Brownfield 2004 would  
11:45:20 8 have been a trade show?

11:45:21 9 A. Correct. I should also add the trade shows also  
11:45:28 10 typically include a conference section, so from time to  
11:45:31 11 time we also give a paper.

11:45:34 12 Q. Let's talk about your conferences. Which -- what  
11:45:39 13 kind of conferences do you attend?

11:45:43 14 A. Predominantly they are water-based conferences in  
11:45:46 15 the U.S. Sometimes they're close, things like for  
11:45:52 16 example the Global Petroleum show, it's about oil, we  
11:45:56 17 get involved in the oil and water separation.

11:45:58 18 We also get involved in some Department of  
11:46:03 19 Defense-related trade shows, because again water is a  
11:46:06 20 key element of a defense program. We get involved in  
11:46:12 21 some aerospace activities because -- trade shows,  
11:46:15 22 because also fluids coming off or around aircraft  
11:46:22 23 facilities are something that we also treat.

11:46:24 24 We get involved in other trade shows, may have to  
11:46:29 25 do with membranes, but we also have our photocatalytic

11:46:32 1 technology at these trade shows. Also, like one in  
11:46:36 2 Florida, because we provide treatment capability  
11:46:42 3 upstream of the reverse osmosis technologies so it  
11:46:46 4 functions much better.

11:46:48 5 Q. Now, at these conferences, other than just  
11:46:51 6 attending them, do you ever participate in any of the  
11:46:54 7 conferences?

11:46:54 8 A. Yes, I do. I've participated in conferences on a  
11:46:57 9 panel, where you answer questions afterwards. I've  
11:47:00 10 participated as the mediator for the conferences. I've  
11:47:09 11 provided papers and spoken at these conferences on  
11:47:12 12 photocatalysis.

11:47:16 13 Q. I'm going to hand you what's been designated as  
11:47:19 14 Exhibit No. 15, if you can please identify this document  
11:47:23 15 for us.

11:47:24 16 A. This is the Advanced Oxidation Technologies  
11:47:27 17 Fundamental and Environmental Applications conference  
11:47:31 18 that took place in June 26, 2000.

11:47:40 19 Q. And do you see, is Purifics identified anywhere  
11:47:43 20 on this document?

11:47:44 21 A. Yes. We're identified as a sponsor and we're  
11:47:51 22 also identified as a speaker.

11:48:01 23 Q. Do you --

11:48:02 24 A. Or as a panelist. Sorry.

11:48:05 25 Q. Do you ever sponsor trade shows or conferences?

11:48:09 1 A. Yes, we do.

11:48:10 2 Q. And why would you sponsor trade shows or  
11:48:13 3 conferences?

11:48:14 4 A. We sponsor this -- we sponsor trade shows and  
11:48:19 5 conferences to create awareness, to present our  
11:48:22 6 products, get the Purifics name out there and what it  
11:48:25 7 means. Other conferences or trade shows I've sponsored  
11:48:29 8 include the WateReuse Foundation, the UV Association,  
11:48:32 9 just to name a couple.

11:48:42 10 Q. I'm going to hand to you what's been designated  
11:48:46 11 as Exhibits No. 17, 18 and 19. Just please take a look  
11:48:53 12 at those and identify those documents for us.

11:48:56 13 A. Okay. The first one here is the National Defense  
11:48:58 14 Industries Association. It's their 2005 Global  
11:49:02 15 Demilitarization Symposium and Exposition which took  
11:49:08 16 place in Sparks, Nevada, May 9 and 12th, 2005.

11:49:14 17 And on the second page it talks about what was  
11:49:18 18 being presented on Wednesday, May 11th. And among the  
11:49:25 19 speakers it identifies myself, Brian Butters, with  
11:49:30 20 Purifics, and I'm talking about a paper that we gave on  
11:49:34 21 "Closing the Loop on Existing Demilitarization  
11:49:38 22 Technologies: Solving Emissions and Wastewater  
11:49:43 23 Challenges," and this is based on our photocatalytic  
11:49:46 24 technology, this paper.

11:49:49 25 Q. What about Exhibit No. 18?

11:49:56 1 A. Oh, this is the same -- similar paper or  
11:50:02 2 activity. This is the 2006 Global Demilitarization  
11:50:07 3 conference. This one's held at the Indianapolis  
11:50:16 4 Convention Center. And on it we -- Purifics also gave a  
11:50:25 5 paper, this one by Tony Powell, that talks about the  
11:50:28 6 photocatalytic destruction of non-stockpiled chemical  
11:50:33 7 materials, particularly the rinsate solutions.

11:50:37 8 Q. And did you also present any material?

11:50:40 9 A. I also spoke previously. I spoke on the  
11:50:43 10 treatment of pink water using photocatalysis, and also  
11:50:49 11 for nitroglycerin in chemical warfare agents.

11:50:57 12 Q. Can you turn to the second page of this exhibit?  
11:51:03 13 Can you see Purifics anywhere else on this document?

11:51:06 14 A. We also gave a paper on the previous, earlier in  
11:51:11 15 the day, on closing the loop -- "Closed Loop Processing  
11:51:15 16 of Energetics to Safely Eliminate Emissions," and this  
11:51:25 17 was a paper by myself on photocatalysis again. So we  
11:51:29 18 gave three papers at this conference the second year.

11:51:32 19 Q. Can you identify Exhibit No. 19 for us?

11:51:35 20 A. This is the preliminary program for the fifth  
11:51:39 21 International Conference on Remediation of Chlorinated  
11:51:42 22 and Recalcitrant Compounds in Monterey, and this is a  
11:51:49 23 conference that's put on by Battelle.

11:51:51 24 Q. Did you attend this conference or Purifics attend  
11:51:54 25 this conference?

11:51:55 1 A. Yes, I attended this conference.

11:51:58 2 Q. Who are the names of -- down below where it says  
11:52:02 3 co-sponsors there's a bunch of different companies. Who  
11:52:06 4 are those companies?

11:52:07 5 A. They are predominantly consulting engineers.  
11:52:13 6 Some of them are clients of Purifics. They include the  
11:52:15 7 likes of Parsons, Malcolm Pirnie, CH2MHILL, Shaw; and  
11:52:22 8 the others, Regenesys, Kerfoot, North Wind, and Panther,  
11:52:27 9 I'm not familiar with.

11:52:30 10 Q. For all of these different trade shows and  
11:52:33 11 conferences that Purifics attends, how many people from  
11:52:36 12 Purifics would attend these trade shows or conferences?

11:52:39 13 A. Depending on the importance of the conference it  
11:52:41 14 will be anywhere from one individual to essentially our  
11:52:44 15 whole business or marketing team. I've had five  
11:52:49 16 individuals at one trade show, for example; typically,  
11:52:53 17 it's two or three.

11:52:55 18 Q. Have you ever heard of IUVA?

11:52:59 19 A. Yes. The International UV Association, I'm quite  
11:53:03 20 familiar with it. We were a member of it for a  
11:53:06 21 considerable time. We also sponsored some of their  
11:53:12 22 events. I've attended conferences with them in  
11:53:15 23 Washington, Whistler, and other places throughout the  
11:53:19 24 U.S.

11:53:21 25 Q. I'm going to hand to you what's been designated



11:53:23 1 as Exhibit No. 20. Can you please identify this  
11:53:31 2 document for us?

11:53:31 3 A. Yes, it's a conference on -- it's written up in  
11:53:36 4 the IUVA newsletter, and the theme is UV Drinking Water  
11:53:42 5 Treatments, Safe Clean Water at Low Cost.

11:53:44 6 Q. Does Purifics appear anywhere in this document?

11:53:48 7 A. Yes, we do. We are one of the drinking water  
11:53:51 8 treatment suppliers in the buyer's guide. We're -- in  
11:53:56 9 alphabetical order we're under the P section down at the  
11:54:00 10 bottom, Purifics. And it identifies the company, the  
11:54:05 11 phone number, and myself and my email address.

11:54:08 12 Q. Have you ever attended any of the IUVA  
11:54:14 13 conferences?

11:54:14 14 A. Yes, I have. I have attended a number of them.  
11:54:18 15 I attended a conference in Washington, D.C., with them.  
11:54:22 16 I attended another conference in Whistler with them. I  
11:54:28 17 have attended others over the years with them. I just  
11:54:34 18 don't remember the other locations at this time.

11:54:40 19 Q. Let's go back to your website that was designated  
11:54:43 20 as Exhibit No. 14.

11:54:48 21 A. Yes.

11:54:49 22 Q. Can you turn to the documents designated Purifics  
11:54:54 23 000140 through 142?

11:55:14 24 A. Yes.

11:55:14 25 Q. What are these pages? What are these pages

11:55:20 1 listing?

11:55:21 2 A. Okay. These are listing events that Purifics is  
11:55:25 3 planning, will be attending, and it also lists past  
11:55:32 4 events that we've attended or participated in.

11:55:35 5 So at this time, when this was printed out in  
11:55:39 6 early 2011, we were going to be participating in the  
11:55:44 7 Aquifer Recharge Symposium, which we did. We had a  
11:55:55 8 booth at the New York WEA meeting in New York. We were  
11:56:00 9 participating in Texas Water in Ft. Worth in 2011. We  
11:56:07 10 were participating in another -- in a booth in another  
11:56:11 11 trade show in Glendale, Arizona.

11:56:17 12 We were also at that time scheduled and we did  
11:56:19 13 attend also the American Water Works in Washington,  
11:56:23 14 D.C., and the WaterReuse Symposium in Phoenix. And  
11:56:27 15 another water technology conference in Phoenix at that  
11:56:31 16 time. And we also participated again at the WaterReuse  
11:56:34 17 conference in Hollywood, Florida.

11:56:45 18 Q. Now, when you talk about events, are these trade  
11:56:47 19 shows and conferences?

11:56:49 20 A. Correct. And then we also have the previous ones  
11:56:52 21 we've attended, too, previous to this publication date.  
11:56:55 22 And you can see there we attended other conferences in  
11:56:58 23 Chicago, Washington, D.C., again. West Point, New York.

11:57:04 24 Q. Would this be a list of every conference or trade  
11:57:06 25 show that you've attended?

11:57:08 1 A. No. It would be a summary. There would be  
11:57:12 2 others that we attended that either predate this or just  
11:57:19 3 didn't get in because it may have been more spur of the  
11:57:22 4 moment, last minute.

11:57:35 5 Q. Do you ever submit or present any technical  
11:57:38 6 papers?

11:57:39 7 A. Yes, we submit technical papers. We write them  
11:57:43 8 up on our photocatalytic technology, our solutions.  
11:57:53 9 They'll be on our case histories or in -- for new  
11:57:57 10 applications or expanded applications.

11:57:59 11 Q. How many technical papers have you written and  
11:58:02 12 submitted?

11:58:08 13 A. With my time at Purifics, probably somewhere in  
11:58:12 14 the neighborhood of two dozen.

11:58:15 15 Q. Why would you submit -- write up and submit these  
11:58:19 16 technical papers?

11:58:20 17 A. We submit the technical papers to make folks  
11:58:23 18 aware of what Purifics has accomplished or what it is  
11:58:27 19 capable of doing with its photocatalytic technology. As  
11:58:33 20 a new technology, as a unique technology in the market,  
11:58:38 21 it's frequently misunderstood. So you have to get out  
11:58:41 22 there and promote what you do and its features and  
11:58:46 23 benefits to the market.

11:58:52 24 Q. Have you ever won or received any awards or  
11:58:56 25 accolades?

11:58:57 1 A. Yes, we have. We've received a number. We've  
11:59:00 2 received awards from National Research Council, the  
11:59:09 3 Artemis Project. We've received other letters of  
11:59:14 4 appreciation from clients.

11:59:20 5 Q. I'm going to hand to you what's been designated  
11:59:24 6 as Exhibits No. 21 and 22, if you can identify those  
11:59:29 7 documents for us, please.

11:59:31 8 A. Yes. This identifies us as a finalist at the  
11:59:35 9 2003 Innovation Award for Sustainable Development in  
11:59:41 10 Ontario, "In recognition of your innovative contribution  
11:59:45 11 to the advancement of Sustainable Development." And  
11:59:48 12 this is basically based on our photocatalytic  
11:59:53 13 activities.

11:59:54 14 Q. So these would be some of the awards that you  
11:59:58 15 were mentioning earlier?

11:59:58 16 A. Correct.

12:00:00 17 Q. You mentioned the Artemis Project. Can you tell  
12:00:04 18 us what the Artemis Project is about?

12:00:06 19 A. Yes. The Artemis Project annually goes out to  
12:00:10 20 seek advances in technology, particularly focused on  
12:00:16 21 water, to the best of my knowledge. You apply to it,  
12:00:20 22 you would talk about what you accomplished, what your  
12:00:25 23 technologies are.

12:00:30 24 Q. And what was your involvement with the Artemis  
12:00:33 25 Project?

12:00:33 1 A. We were a recipient of the award. I believe that  
12:00:36 2 was in 2011.

12:00:45 3 MR. PHAM: We're going to take a break at  
12:00:48 4 this point, Salumeh. Is a ten-minute break good for  
12:00:52 5 you?

12:00:53 6 MS. LOESCH: A two-minute break?

12:00:54 7 MR. PHAM: Ten-minute break. We're going  
12:00:57 8 off the record.

12:00:57 9 (Short recess)

12:10:13 10 MR. PHAM: We're going back on the record.

12:10:25 11 (BY MR. PHAM)

12:10:30 12

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12:10:56 18

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MR. PHAM: We are off confidential now.

12:12:43 18

Q. Mr. Butters, when did you first become aware of

12:12:47 19

Puralytics?

12:12:52 20

A. I first become aware of Puralytics by name on or

12:12:56 21

about 2010 when Ben, who was consulting for us, came

12:13:01 22

across them through our reps in California and Arizona.

12:13:11 23

Q. I'm going to hand to you what's been designated

12:13:14 24

as Exhibit No. 23. Can you identify this document for

12:13:16 25

us?

12:13:17 1 A. This is an email to me -- to Tony Powell, sorry,  
 12:13:23 2 by Ben Buchsieb. The subject is Puralytics. It says  
 12:13:27 3 "Tony, new technology is coming out using LED and fixed  
 12:13:31 4 titanium. I want you to be aware of this in case there  
 12:13:35 5 are potential patent infringements, and additionally  
 12:13:38 6 they are getting aggressive in trying to generate  
 12:13:42 7 funding. They are a finalist in a new water technology  
 12:13:48 8 competition." And it gives their website.

12:13:48 9 Q. Prior to receiving or seeing this email had you  
 12:13:51 10 ever heard of Puralytics?

12:13:55 11 A. Puralytics by name, no.

12:13:57 12 Q. And who is Tony Powell?

12:13:59 13 A. Tony Powell is the other principal at Purifics.

12:14:02 14 Q. What is his position at Purifics?

12:14:08 15 A. He's one of the founders. He is the applications  
 12:14:13 16 manager, among other responsibilities.

12:14:18 17 Q. Are you familiar with any of Puralytics' water  
 12:14:23 18 purification devices?

12:14:25 19 A. Yes, having reviewed some of the material on  
 12:14:30 20 them, website, what's publicly available on the  
 12:14:37 21 internet, I've come across their SolarBag and lab  
 12:14:41 22 equipment.

12:14:42 23 Q. Now, you said you've attended trade shows and  
 12:14:44 24 conferences. Is it possible for you to attend the same  
 12:14:47 25 trade shows and conferences as Puralytics?

12:14:49 1 A. Yes. It's happened twice that I'm aware of. We  
12:14:53 2 came across them at the -- at the Artemis awards  
12:15:01 3 presentation in Toronto last year. We've also bumped  
12:15:09 4 into them at the Water Tech -- I think that's the  
12:15:13 5 correct name -- in San Jose, California, in February of  
12:15:19 6 this past year, 2012, where we both made presentations  
12:15:25 7 to the organizers.

12:15:30 8 Q. Do you remember who the organizers were for this  
12:15:33 9 conference or trade show you attended, Water Tech?

12:15:37 10 A. I believe the organizers were somehow affiliated  
12:15:40 11 with the Artemis award. I believe they were  
12:15:43 12 predominantly venture capitalists and -- not sure who  
12:15:50 13 the other participants were in the audience, but  
12:15:53 14 predominantly venture capitalists.

12:15:56 15 Q. And now when you talk about the Artemis award,  
12:16:00 16 that is the same as the Artemis Project?

12:16:02 17 A. Correct.

12:16:02 18 Q. Are you aware of any articles or publications  
12:16:05 19 that mention both Purifics and Puralytics?

12:16:11 20 A. The answer is yes. The Water World article came  
12:16:17 21 out this past year that talks about both Purifics and  
12:16:21 22 Puralytics. There is also a number of other listings  
12:16:28 23 containing both Purifics and Puralytics when I did a  
12:16:31 24 quick search on the internet. And in the Water World  
12:16:36 25 article, you know, it lists all the recipients of the



12:16:40 1 Artemis award and has us right beside Puralytics.

12:16:46 2 Q. When you testified earlier that you did a search  
12:16:49 3 on the internet, what kind of internet search did you do  
12:16:53 4 to see if Purifics and Puralytics --

12:16:58 5 A. I typed in Puralytics and Purifics to see what  
12:17:01 6 came up. There were several pages. I know I printed  
12:17:06 7 out the first page and it had 10 or 15 related articles  
12:17:11 8 containing both the key words.

12:17:13 9 Q. Was this on a search engine?

12:17:16 10 A. Yes, on Google.

12:17:18 11 Q. On Google. Is it possible for a distributor to  
12:17:25 12 carry both Purifics and Puralytics products?

12:17:28 13 A. Not if I can help it. The answer would be no,  
12:17:31 14 because Puralytics is a competitor.

12:17:36 15 Q. And how would you prevent that?

12:17:45 16 A. In terms of the -- excuse me, can you repeat the  
12:17:48 17 question.

12:17:48 18 Q. How would you prevent a distributor from carrying  
12:17:51 19 both Purifics and Puralytics products?

12:17:53 20 A. If he was going to carry my products he would  
12:17:55 21 have to drop Puralytics, among other marketing efforts.

12:18:00 22 Q. Do you ever do business with consultants?

12:18:02 23 A. Yes, I do.

12:18:04 24 Q. In what capacity did you do business with them?

12:18:09 25 A. With consultants, the main avenue is they would

12:18:13 1 specify and procure our equipment for the end user  
12:18:22 2 drinking water market, or the industrial or remedial  
12:18:24 3 market. We would also provide them with insight on how  
12:18:30 4 to apply photocatalysis or how to enhance their  
12:18:35 5 competitive position when they're selling to an end  
12:18:39 6 user. It's quite frequently we're a kingmaker for the  
12:18:44 7 consultant when they seek or participate with us.

12:18:48 8 Q. Let's back up for a minute and talk about the  
12:18:51 9 consultants. They are -- are they related to Purifics?

12:18:56 10 A. No. They're independent. They're third-party.  
12:19:01 11 They represent the end users' interest and they go out  
12:19:05 12 into the market and look at, secure, solutions -- in our  
12:19:13 13 case water solutions -- for the end user or customer.

12:19:20 14 Q. What kind of background does the typical  
12:19:24 15 consultant have that you work with?

12:19:25 16 A. Typically they've got a civil engineering  
12:19:28 17 background.

12:19:29 18 Q. Can a consultant ever consider a Purifics and  
12:19:33 19 Puralytics product for the same project?

12:19:36 20 A. Yes, they can.

12:19:40 21 Q. Are you aware of any instances of confusion  
12:19:43 22 between Purifics and Puralytics?

12:19:45 23 A. Yes. Recently we hired an individual to support  
12:19:54 24 the marketing, and during the interview phase and after  
12:20:00 25 he came on board he did internet searches, that was his

12:20:06 1       forte, and he came across Puralytics. And after we  
12:20:11 2       hired him, he informed us that he thought they were the  
12:20:15 3       same company. Other...

12:20:23 4                   MR. PHAM: Sorry. We're just waiting for  
12:20:25 5       the sirens to go by, Salumeh.

12:20:29 6                   MS. LOESCH: Okay.

7                   (Pause)

12:20:31 8       A. Other applications, because to date we've been  
12:20:33 9       the only commercially viable photocatalytic technology  
12:20:36 10      in the market, we've come across incidences where the  
12:20:41 11      consultants have said, well, we've looked at  
12:20:43 12      photocatalysis, we've looked at it, doesn't work,  
12:20:48 13      they've discarded it; or they have evaluated it, but  
12:20:54 14      they don't tell us who that other photocatalytic  
12:20:58 15      technology is that they've looked at.

12:21:02 16      Q. How many other companies are you aware of that  
12:21:04 17      use photocatalysis for purification?

12:21:08 18      A. In the last ten years, the only company I've come  
12:21:13 19      across that offers a photocatalytic product in the  
12:21:16 20      market is Puralytics.

12:21:19 21                   MS. LOESCH: Can you repeat that? I'm  
12:21:20 22      sorry. I didn't catch the first part of that.

12:21:24 23                   THE WITNESS: In the last ten years, the  
12:21:26 24      only company I've come across that offers a  
12:21:28 25      photocatalytic solution in the market is Puralytics.

12:21:36 1 (BY MR. PHAM)

12:21:36 2 Q. Do you consider Puralytics to be one of your  
12:21:38 3 competitors?

12:21:39 4 A. Yes.

12:21:44 5 Q. Why is that?

12:21:46 6 A. They confuse the market. They have the same  
12:21:50 7 name, or very similar name, offering essentially the  
12:21:53 8 same services: The photocatalytic purification of water  
12:21:57 9 and fluids. Because they're so close in the name,  
12:22:03 10 because they're so close in the technology, to the  
12:22:08 11 average person they'd be perceived as the same entity.

12:22:17 12 Q. Does Purifics ever enforce its Purifics mark  
12:22:22 13 against others?

12:22:23 14 A. Yes, we do. We have a number of cases where  
12:22:26 15 we've had to do this. One was a funding program by the  
12:22:32 16 U.S. EPA and they used the name Purific, and we put a  
12:22:40 17 stop to it.

12:22:41 18 There was another in California where they were  
12:22:44 19 using the Purific, almost identical coloring and layout  
12:22:49 20 on water bottles.

12:22:55 21 There was another one that was in Florida that we  
12:22:57 22 put a stop to. And then there was another one that we  
12:23:00 23 curtailed in Toronto, Ontario.

12:23:05 24 Q. I'm going to hand you what's been designated as  
12:23:08 25 Exhibit No. 24, if you can take a minute to review that

12:23:16 1 document and identify it for us.

12:23:29 2 A. Yes, this is a trademark co-existence agreement  
12:23:33 3 for Canada and the U.S. between Purifics and Elma, Elma  
12:23:41 4 Company, in Toronto.

12:23:44 5 Q. And what were the two marks in contention here?

12:23:49 6 A. Purifics and Purificare are the two marks in  
12:23:53 7 question.

12:23:53 8 Q. Do you remember for Purificare what kind of  
12:23:58 9 products they sold in connection with the Purificare  
12:24:02 10 mark?

12:24:02 11 A. Yes, this was a small retail outlet in Toronto  
12:24:05 12 that sold a variety of home drinking water solutions,  
12:24:13 13 little RO packages, water test kits, things like that.

12:24:30 14 Q. Mr. Butters, I'm going to hand to you what's been  
12:24:33 15 designated as Exhibit No. 25, and please take a minute  
12:24:41 16 again to review that document and identify it for us.

12:24:44 17 MR. PHAM: And also I'm designating this  
12:24:46 18 portion as well as the prior question and response as  
12:24:48 19 confidential.

12:24:52 20 A. If I could just go back to one question. You  
12:24:55 21 asked me what other ones we put a stop to. There was  
12:24:58 22 another one in London, Ontario, that was using Purifics  
12:25:03 23 or Purific, I forget which one, also selling bottled  
12:25:08 24 water, that we put a stop to.

12:25:10 25 Current document in front of me is a notice of

12:25:13 1 infringement of the Purifics trademark and service mark.

12:25:18 2 Q. And what were the two marks in contention?

12:25:25 3 A. Purifics and Purific Water Solutions.

12:25:31 4 Q. Do you remember what was the result of you  
12:25:38 5 sending this letter -- or your counsel sending this  
12:25:42 6 letter to Purific Water Solutions?

12:25:45 7 A. Basically we put a stop to it. I'm not sure the  
12:25:50 8 exact legal mechanism, a cease and desist or whatever  
12:25:55 9 the case was. And we gave the infringing entity  
12:26:00 10 sufficient time to change the name and eliminate the  
12:26:06 11 conflict.

12:26:07 12 Q. Mr. Butters, I'm going to hand to you what's been  
12:26:10 13 designated as Exhibit No. 26, if you can please review  
12:26:14 14 this document and identify it for us.

12:26:20 15 A. This again deals with the infringement of the  
12:26:23 16 Purifics trademark. It's from our lawyer to Mr. Montas,  
12:26:29 17 who was infringing, and it's the settlement agreement  
12:26:34 18 and it's dated June 16th, 2011.

12:26:45 19 Q. Mr. Butters, have you -- has Purifics ever tried  
12:26:49 20 to cancel another party's trademark registration?

12:26:52 21 A. Yes, we have.

12:26:56 22 Q. I'm going to hand to you what has been designated  
12:27:00 23 as Exhibit No. 27, if you can please identify that  
12:27:06 24 document.

12:27:11 25 A. Let's see, this is a United States Patent and

12:27:13 1 Trademark Office Before the Trademark Trial and Appeal  
12:27:17 2 Board. This is a petition for the cancellation of  
12:27:26 3 the -- I believe somebody was using the Purifics service  
12:27:30 4 mark -- it's a Purific service mark, and we had filed  
12:27:36 5 the cancellation of it.

12:27:39 6 Q. And do you remember what was the result of this  
12:27:42 7 petition for cancellation?

12:27:43 8 A. It was canceled.

12:27:47 9 Q. I'm going to hand to you what's been designated  
12:27:50 10 as Exhibit No. 28, if you can please take a look at that  
12:27:57 11 and identify it. There's several documents with this  
12:28:01 12 exhibit.

12:28:02 13 A. Okay. It's from the commissioner of -- this is  
12:28:08 14 the surrender for cancellation of the trademark from the  
12:28:15 15 commissioner of trademarks -- or to the commissioner of  
12:28:18 16 trademarks by our attorneys, on or about March of 2000.

12:28:28 17 Q. Now, for all of these cease-and-desist letters  
12:28:38 18 and cancellations that you have taken, why do you elect  
12:28:42 19 to try to cease and desist or cancel another party's  
12:28:47 20 trademark?

12:28:47 21 A. I'm sorry. Your question is why did I?

12:28:50 22 Q. Why did you, yes.

12:28:51 23 A. To prevent confusion in the market, to prevent  
12:28:54 24 harm to Purifics from the misrepresentation of the wares  
12:28:59 25 or capability of these other companies, which people

12:29:05 1 would think was the same company as Purifics.

12:29:09 2 Q. Let's go back to the NSF 61 certification. And

12:29:15 3 just to clarify, this certification, is it for your

12:29:20 4 entire system or just components?

12:29:30 5 A. It is for our entire system, because all the

12:29:34 6 components in the system are identified in the listing.

12:29:41 7 Q. Okay. And Mr. Butters, for all of the exhibits

12:29:47 8 that I've shown to you today, Exhibits 12 through 28,

12:29:52 9 are these true and correct copies of the originals to

12:29:57 10 the best of your knowledge?

12:29:57 11 A. Yes, they are.

12:29:58 12 Q. And were these documents a part of Purifics'

12:30:04 13 business records?

12:30:05 14 A. Yes.

12:30:06 15 Q. These documents also that I showed you, Exhibits

12:30:11 16 12 through 28, were they gathered by a person that is

12:30:14 17 knowledgeable of the document at the time that they were

12:30:17 18 received?

12:30:17 19 A. Yes.

12:30:25 20 Q. Let's talk a minute about your awards. Are you

12:30:30 21 aware or have you ever received any awards from the U.S.

12:30:34 22 Corps of Engineers?

12:30:46 23 A. I know we have a number of plaques and whatnot on

12:30:50 24 the wall in our boardroom. We have a number of letters.

12:30:54 25 I know there's one from the Navy. There are others, I



12:31:01 1 just -- I can't recall them.

12:31:03 2 Q. When we talk about your intellectual property in  
12:31:08 3 addition to the trademarks that you have, do you have  
12:31:10 4 any patents?

12:31:12 5 A. Yes. Purifics has twelve patents issued and at  
12:31:17 6 least another twelve pending.

12:31:22 7 Q. And why are these patents important to you?

12:31:27 8 A. They are important to us because they provide a  
12:31:30 9 competitive edge in the market. They protect our  
12:31:34 10 intellectual property that we've developed around  
12:31:40 11 photocatalysis. They distinguish it from others as  
12:31:46 12 well.

12:31:46 13 Q. Let's go back to -- you said that you use the  
12:31:50 14 internet as a form of marketing and advertising. For  
12:31:53 15 your website, do you -- can you tell us the  
12:31:59 16 interactivity of it?

12:32:02 17 A. The interactivity of our website? We use it in  
12:32:06 18 different ways. We use it as an outgoing medium to make  
12:32:11 19 people aware of it. We have portals on it so that our  
12:32:15 20 client base, depending on who they are, can access  
12:32:20 21 certain sections for relevant information. There's the  
12:32:25 22 opportunity to download literature. There's the ability  
12:32:29 23 to inquire about our capabilities and services on the  
12:32:34 24 internet.

12:32:35 25 Q. Other than your -- other than your website, what

12:32:39 1 other internet activity do you have?

12:32:46 2 A. We have webinars through the internet, we have  
12:32:53 3 control of our equipment through the internet. We do  
12:33:00 4 market research through the internet. That's all that  
12:33:05 5 comes to mind at the moment.

12:33:06 6 Q. What about social media?

12:33:11 7 A. We've looked at social media. I have a  
12:33:14 8 registration with LinkedIn, for example. We just  
12:33:21 9 completed a while ago a look at the various services --  
12:33:27 10 I'm trying to remember the names of them -- Twitter and  
12:33:31 11 like that. There was about six that we looked at. And  
12:33:35 12 we're getting familiar with it. It's a little bit  
12:33:38 13 beyond our market focus at the moment. We realize that  
12:33:44 14 it's a growing area, and we haven't fully taken  
12:33:49 15 advantage of it yet.

12:33:53 16 Q. Mr. Butters, have you heard of the term "green  
12:33:57 17 school"?

12:34:00 18 A. Yes. That's a project that we have to  
12:34:05 19 demonstrate our photocatalytic technology for water  
12:34:09 20 purification. And it's a solar-powered, photocatalytic  
12:34:16 21 process to supply a school of about 250 elementary  
12:34:23 22 school students with water on a demand basis. One of  
12:34:28 23 the requirements was to supply water cheaper than the  
12:34:32 24 cost of bottled water. And the solar-powered system on  
12:34:37 25 it actually produced more energy than what was consumed

12:34:42 1 by the photocatalytic process. It's a packaged portable  
12:34:46 2 system.

12:34:47 3 Q. How big is that system?

12:34:50 4 A. The photocatalytic component of it is about  
12:34:56 5 twelve feet long, about three feet wide, about six feet  
12:35:00 6 high, and it's packaged in an insulated sea container  
12:35:04 7 for portability and for some auxiliary controls like  
12:35:08 8 heat and metals removal.

12:35:11 9 Q. So certainly very visible?

12:35:13 10 A. Correct. It's on our website. It's in our  
12:35:18 11 literature that we hand out at trade shows. It's been  
12:35:22 12 in our press releases.

12:35:23 13 Q. And this would be out in the open for anybody to  
12:35:26 14 see?

12:35:26 15 A. Correct. It's been in the newspaper. You know,  
12:35:30 16 we take people through it on tours, regulatory agencies,  
12:35:37 17 regulators. It's currently operating in Mississippi.  
12:35:42 18 Previous to the Mississippi last month it was operating  
12:35:47 19 at another site in New Jersey or New York. Moving on to  
12:35:53 20 another drinking water application shortly.

12:35:58 21 Q. Let's go back to the trade shows and conferences  
12:36:01 22 for a minute that you attend. Would you -- could you  
12:36:04 23 give us a range of the number of attendees at these  
12:36:09 24 trade shows and conferences?

12:36:12 25 A. They'll range from a small one, being a couple

12:36:16 1 hundred people, to a large one, like the three major  
12:36:19 2 water trade shows in the U.S., Water Environment  
12:36:22 3 Federation, WaterReuse and WEFTECH, and you can have  
12:36:28 4 upwards of ten or twenty thousand participants. When I  
12:36:33 5 attended IFAT in Europe, it's probably somewhere in the  
12:36:36 6 vicinity of forty or fifty thousand attendees at those  
12:36:48 7 conferences.

12:36:49 8 Q. For all of these trade shows that you attend do  
12:36:52 9 you ever repeat any of the same trade shows year to  
12:36:55 10 year?

12:36:55 11 A. Yes. We do a circuit. And we continuously  
12:37:00 12 refine them depending on where the market focus is at  
12:37:04 13 the time. That's why things like for example the IUVA,  
12:37:09 14 we used to be active in it but it's lost prominence in  
12:37:13 15 the market. Recently we put more focus on the Water  
12:37:18 16 Environment Federation because it reaches a broader  
12:37:19 17 market or municipal market.

12:37:23 18 Q. And for all these trade shows and conferences  
12:37:27 19 that you attend, do they ever change cities?

12:37:30 20 A. Oh, yes. They're held in a different city every  
12:37:34 21 year. For example, American Water Works Association,  
12:37:37 22 which focuses primarily on drinking water, it's been in  
12:37:42 23 a Toronto, it's been in Atlanta, it's been in Chicago,  
12:37:47 24 and it was in Washington in 2011. We attended all those  
12:37:54 25 shows. This past year I don't remember where it was.

12:37:59 1 MR. PHAM: I have no further questions for  
12:38:02 2 the witness at this time.

12:38:07 3 MS. LOESCH: Okay. Can we take like a  
12:38:11 4 twenty-minute break and then reconvene at 1:05, 1:10?

12:38:18 5 MR. PHAM: Let's just reconvene at one p.m.

12:38:21 6 MS. LOESCH: Yeah.

12:38:23 7 MR. PHAM: Okay. Great. We're off the  
12:38:24 8 record.

9 MS. LOESCH: Okay. Thanks.

10 (Short recess)

11 MR. PHAM: We're back on the record.

12 (Exhibit Nos. 100-116 designated)

13 EXAMINATION

14 BY MS. LOESCH:

13:07:18 15 Q. Okay. So, Mr. Butters?

13:07:35 16 A. Yes.

13:07:35 17 Q. Can you hear me fine?

13:07:37 18 A. Yes.

13:07:37 19 Q. Okay. I'm going to ask you some questions about  
13:07:42 20 things you talked about earlier. First of all, you

13:07:46 21 mentioned that you sell to campgrounds or campgrounds  
13:07:50 22 are some of your customers. Can you explain that

13:07:53 23 further, like what do you mean by campgrounds?

13:07:56 24 A. It's a facility that has campers and their water  
13:08:05 25 supply needs to be purified.

13:08:08 1 Q. And is it purified for drinking water purposes?

13:08:16 2 A. Yes.

13:08:17 3 Q. So when you say the campgrounds are your  
13:08:20 4 customers, is it the owners of the property on which the  
13:08:25 5 campers rent their particular camping sites from?

13:08:34 6 A. Can you repeat that question?

13:08:37 7 Q. You said that the campgrounds are your customers.  
13:08:40 8 Who are these -- a campground is a thing, not a person  
13:08:43 9 or an entity, so I'm trying to figure out if it's the  
13:08:47 10 actual -- is it the campground owner who is the  
13:08:51 11 customer?

13:08:52 12 A. Yes.

13:08:54 13 Q. So it's -- so it's not the actual campers, it's  
13:08:59 14 the person who owns the property on which the campers  
13:09:03 15 camp on?

13:09:03 16 A. In that particular application.

13:09:07 17 Q. Can you elaborate on that? What do you mean "in  
13:09:11 18 that particular application"?

13:09:13 19 A. Well, there's different places where there's  
13:09:16 20 individuals or clusters that need to have their water  
13:09:23 21 supply, drinking water supply cleaned, and there's one  
13:09:27 22 case in particular that we've talked about that is a  
13:09:30 23 campground, and they need their drinking water purified.

13:09:35 24 Q. Okay. Is there any instance where there's an  
13:09:38 25 individual person who would be your customer?

13:09:43 1 A. That's -- we've had inquiries for that in  
13:09:47 2 Pennsylvania. And there's been others over the years,  
13:09:52 3 yes, that are single individual users with a well.

13:09:58 4 Q. In what capacity would they be using your  
13:10:02 5 services?

13:10:03 6 A. To buy a piece of equipment to clean the  
13:10:06 7 groundwater to the drinking water standard for their  
13:10:11 8 house or their farm or their campground. Places like  
13:10:18 9 that.

13:10:20 10 Q. Okay. And have you actually sold any products to  
13:10:24 11 this individual?

13:10:28 12 A. The school is the only one that we've actually  
13:10:38 13 succeeded in generating revenue.

13:10:41 14 Q. The school is not a -- I was asking about  
13:10:43 15 individuals who have. You said you've received  
13:10:46 16 inquiries about individuals who wanted to use your  
13:10:48 17 services to clean groundwater for drinking, for the  
13:10:52 18 house or their campground or their facilities. So I'm  
13:10:55 19 asking about individuals, if there's any individual.

13:10:58 20 A. Not at this time.

13:11:06 21 Q. Have you ever had an individual as a customer?

13:11:11 22 A. An individual? Yes.

13:11:15 23 Q. And for what -- when and for what purposes?

13:11:21 24 A. You sell to an individual. I -- could you please  
13:11:24 25 clarify the question?

13:11:26 1 Q. Yes. I didn't catch the first part of your  
13:11:29 2 response.

13:11:30 3 A. Well, you sell to an individual.

13:11:32 4 Q. What product did you sell to that individual?

13:11:36 5 A. Photo-Cat systems. Water purification solutions.

13:11:40 6 Q. And what did the individual use that system for?

13:11:45 7 A. Purify water.

13:11:47 8 Q. For the house, for their house, for their -- for  
13:11:52 9 what purpose?

13:11:53 10 A. Well, I'm not sure what you're asking. You ask  
13:11:56 11 if I sell to individuals. The answer is yes. Are you  
13:12:00 12 talking -- about what, I'm not sure.

13:12:03 13 Q. So I guess I'm kind of confused, then. When I  
13:12:10 14 asked you if you currently have any customers who are  
13:12:12 15 just individuals, you said you don't have any individual  
13:12:14 16 customers; is that correct?

13:12:15 17 A. No. You asked if I sold to individuals. The  
13:12:18 18 answer is yes.

13:12:20 19 Q. Okay.

13:12:20 20 MS. LOESCH: Then I think -- can you repeat  
13:12:22 21 the record so we can kind of clarify the question.

13:14:22 22 (Record read as requested)

13:14:22 23 (BY MS. LOESCH)

13:14:23 24 Q. So, Mr. Butters, so if you -- in that, in what  
13:14:26 25 the court reporter just read, you said that you



13:14:29 1 currently don't have any individual customers, so that's  
 13:14:31 2 how I interpreted your answer. If that is incorrect,  
 13:14:33 3 you can correct the record and you can answer that. Do  
 13:14:36 4 you have an individual as a customer today?

13:14:38 5 A. Can you define individual, please?

13:14:40 6 Q. A single person for a single person's use. Not a  
 13:14:46 7 company, not a corporation, not a business.

13:14:49 8 A. So you're talking about a single individual that  
 13:14:52 9 wrote out a check to buy a piece of photocatalytic  
 13:14:55 10 equipment from us.

13:14:56 11 Q. For personal use, yes.

13:15:00 12 A. Batu Kim.

13:15:04 13 Q. Pardon?

13:15:05 14 A. Batu Kim is one who comes to mind.

13:15:09 15 Q. That's the name of an individual?

13:15:11 16 A. Correct.

13:15:11 17 Q. And what does that individual use your equipment  
 13:15:13 18 for?

13:15:15 19 A. For purifying water.

13:15:18 20 Q. For their house or for their drinking -- or can  
 13:15:24 21 you elaborate a little bit on what -- I understand that  
 13:15:27 22 your equipment is used for purifying water, but I  
 13:15:30 23 understand that there's different applications for it.  
 13:15:32 24 So if you could elaborate on the application, that would  
 13:15:35 25 be great.

13:15:36 1 A. I know he bought a system, I know he bought it to  
13:15:39 2 purify water. I don't know what else he's done with it.

13:15:44 3 Q. And what's the system?

13:15:46 4 A. It's a Photo-Cat system.

13:15:49 5 Q. So if you can turn to Exhibit 14, the PURIFICS  
13:15:59 6 000126.

13:16:09 7 A. I'm trying to find it here. Okay.

13:16:11 8 Q. From your testimony I understand these are the  
13:16:14 9 different products you guys have?

13:16:16 10 A. Yep.

13:16:17 11 Q. The municipal models -- three municipal models  
13:16:22 12 and three industrial models, correct?

13:16:23 13 A. Yep.

13:16:23 14 Q. And which one of these models has he purchased?

13:16:26 15 A. He's purchased an earlier version of what we  
13:16:28 16 would now call the Photo-Cat Lab.

13:16:32 17 Q. Okay. Is this for sale in the U.S.?

13:16:42 18 A. No.

13:16:43 19 Q. Okay. Any other individuals who have purchased  
13:16:51 20 your products or services for individual or personal  
13:16:54 21 use?

13:16:54 22 A. None that I can recall at this time without going  
13:16:58 23 through my records.

13:17:00 24 Q. Okay. Now, going back to the campground, do  
13:17:09 25 you -- have you sold any services or products to

13:17:12 1 campgrounds?

13:17:13 2 A. No.

13:17:20 3 Q. Do you market to campgrounds in particular?

13:17:26 4 A. We market to small -- we market to small

13:17:35 5 individual-type applications that can be one or more

13:17:46 6 wells, correct.

13:17:49 7 Q. Okay. So but in your advertising or anything is

13:17:54 8 there anything that highlights, that is directed towards

13:17:59 9 campgrounds in particular? For example, any literature

13:18:01 10 that you send to campground owners?

13:18:03 11 A. No.

13:18:05 12 Q. Is there anything in your literature that

13:18:09 13 identifies campgrounds as a particular use of your

13:18:11 14 product?

13:18:13 15 A. Not specifically, no.

13:18:15 16 Q. Do you target individual campers in your

13:18:21 17 marketing material?

13:18:22 18 A. No.

13:18:25 19 Q. Do you sell any of these products through camping

13:18:29 20 websites or retailers, such as REI or The Outdoorsman or

13:18:37 21 anything like that?

13:18:37 22 A. No.

13:18:38 23 Q. Do you market or sell any of your products

13:18:40 24 through Amazon.com?

13:18:43 25 A. No.

13:18:44 1 Q. Or do you market or sell any of your products  
13:18:47 2 through Sportsmanguide.com? "

13:18:51 3 A. No.

13:18:54 4 Q. Okay. Switching a little bit, you said that one  
13:18:59 5 of your customers or markets is labs. Can you explain  
13:19:03 6 what you mean by "labs"?

13:19:05 7 A. A lab, I'll give you the examples: University  
13:19:14 8 labs, government labs, private research labs.

13:19:22 9 Q. And what do your products do for these labs?

13:19:25 10 A. Purify water.

13:19:27 11 Q. Purify their drinking water?

13:19:30 12 A. We purify to drinking water standard or better.

13:19:34 13 Q. I don't understand what you mean by that. Do  
13:19:38 14 they purify the drinking water so your products are used  
13:19:42 15 by these labs so the people who are working there can  
13:19:45 16 drink the water?

13:19:46 17 A. That has that capability. In one project,  
13:19:49 18 definitely.

13:19:50 19 Q. What are the other capabilities?

13:19:53 20 A. Well, we purify the water to the desired  
13:19:56 21 standard, the drinking water standard being the lower  
13:19:59 22 standard; so we clean to better than the drinking water  
13:20:03 23 standard.

13:20:07 24 Q. And what application would that be used for,  
13:20:11 25 better than drinking water standard?

13:20:16 1 A. It would be used for drinking. It would be used  
13:20:20 2 for disposing of the water. It would be used for  
13:20:25 3 ensuring that the water would be compatible for  
13:20:29 4 drinking. It would be used to verify the photocatalytic  
13:20:33 5 process could be used to purify drinking water of  
13:20:39 6 contaminants, chemical contaminants in the water, to  
13:20:44 7 verify the removal of bacteria. For some it would be  
13:20:49 8 performance testing or verification.

13:20:54 9 Q. Do you go into these labs and take their dirty  
13:20:57 10 water that's caused by whatever they're doing in the  
13:20:59 11 labs, whatever research testing they're performing, take  
13:21:02 12 that water and clean it up so that it can be disposed?

13:21:08 13 A. Yes.

13:21:09 14 Q. Is that -- would you say is that your primary  
13:21:12 15 purpose?

13:21:12 16 A. No, that's just one application.

13:21:14 17 Q. What is the primary purpose of your services?

13:21:18 18 A. To purify water.

13:21:21 19 Q. And then what is that water then used for?

13:21:25 20 A. Could be for drinking water, could be for  
13:21:27 21 disposal.

13:21:30 22 Q. So you don't have a primary purpose that you  
13:21:33 23 market your product for so that --

13:21:37 24 A. I've answered that question. We purify water.

13:21:39 25 Q. Right. So when you market your products, all you

13:21:43 1 say is purify water; you don't say purify water so you  
13:21:48 2 can drink it, you don't say purify water so you can  
13:21:51 3 dispose of it, you don't say purify water for whatever  
13:21:54 4 other purposes, you don't provide that in any marketing  
13:21:57 5 products?

13:21:57 6 A. We say all of that.

13:21:59 7 Q. Okay. Do you say anything else?

13:22:05 8 A. We identify the fields that it's for. We say  
13:22:07 9 it's for municipal applications, industrial  
13:22:10 10 applications, remedial applications. We talk about it  
13:22:13 11 for drinking water, we talk about it for water reuse,  
13:22:18 12 which are subcategories.

13:22:21 13 Q. Okay. So the subcategories that you identified  
13:22:23 14 are remedial uses, industrial uses, municipal uses,  
13:22:27 15 reuse, and --

13:22:30 16 A. Those are not subcategories. The main markets  
13:22:33 17 are municipal, industrial, and remedial.

13:22:42 18 Q. Okay.

13:22:43 19 A. And as you --

13:22:45 20 Q. And what --

13:22:46 21 A. And that's a very broad market.

13:22:50 22 Q. Okay. And what's a municipal market, what would  
13:22:53 23 that be?

13:22:55 24 A. Municipal water is drinking water and it's water  
13:22:58 25 reuse and it's wastewater treatment.

13:23:06 1 Q. What do you mean by "water reuse"?

13:23:09 2 A. That means that you clean up the water, that it  
13:23:13 3 can be reused for drinking water or other residential  
13:23:17 4 uses.

13:23:21 5 Q. Okay. And then you said wastewater treatment.  
13:23:24 6 And what does that involve?

13:23:27 7 A. That's upgrading the sewage to a reuse standard.

13:23:35 8 Q. Okay. And who are the customers of that  
13:23:37 9 municipal use?

13:23:41 10 A. Municipalities, water boards across Florida,  
13:23:48 11 California, Texas and other places, on the municipal  
13:23:54 12 side.

13:23:56 13 Q. Okay. What about the industrial use, what is --  
13:24:00 14 what does that involve, or the industrial market?

13:24:04 15 A. Industrial market involves, you know, cleaning up  
13:24:08 16 the water that's discharged from industry. It involves  
13:24:11 17 cleaning up water going into industry. It involves  
13:24:17 18 reusing the water in industry.

13:24:23 19 Q. And the reuse, again, is it clean enough for  
13:24:27 20 drinking water or for any other purpose?

13:24:30 21 A. Correct.

13:24:30 22 Q. And who are your customers for the industrial  
13:24:33 23 use?

13:24:34 24 A. Industrial side?

13:24:35 25 Q. Yes.

13:24:38 1

13:24:41 2

[REDACTED]

13:24:46 3

13:24:54 4

Q. Okay. And then you said remedial services or

13:24:58 5

remedial markets?

13:25:00 6

A. Yes, that's --

13:25:00 7

Q. What does that involve?

13:25:01 8

A. That involves cleaning up groundwater for surface

13:25:05 9

water discharge, reinjection, discharge to wastewater

13:25:13 10

treatment plants.

13:25:21 11

Q. Okay. So you're going to have to -- you said

13:25:26 12

groundwater for service water discharge. What do you

13:25:30 13

mean by that?

13:25:30 14

A. Surface water discharge.

13:25:31 15

Q. Right. What do you mean by that?

13:25:33 16

A. It means we clean up the contaminated groundwater

13:25:36 17

such that it's clean enough that it can be discharged

13:25:39 18

back into the environment directly.

13:25:41 19

Q. Okay. And then you said reinjection. Is that

13:25:50 20

the putting it back into the environment portion?

13:25:52 21

A. That's correct. It's reinjected back into the

13:25:55 22

ground to maintain the water supply.

13:26:01 23

Q. And then you said wastewater treatment plants.

13:26:05 24

What does that involve?

13:26:06 25

A. It involves cleaning up the wastewater for



13:26:12 1 discharge or for reuse.

13:26:18 2 Q. Okay. And your -- the reuse can be for drinking  
13:26:24 3 water or it can be for any other purpose?

13:26:26 4 A. Correct.

13:26:28 5 Q. Okay. And who is your audience or who are the  
13:26:31 6 customers for the remedial services?

13:26:35 7 A. Industry and municipalities.

13:26:42 8 Q. Okay. And so these -- would you say these are  
13:26:45 9 your three markets: Municipalities, industries, and  
13:26:49 10 remedial services or markets?

13:26:51 11 A. Those are the way we segregate the market,  
13:26:54 12 correct.

13:26:56 13 Q. Okay. And do you market to non-governmental  
13:27:03 14 organizations or aid companies?

13:27:05 15 A. Yes.

13:27:05 16 Q. You do? In what capacity, which one of these  
13:27:10 17 services?

13:27:11 18 A. Water purification.

13:27:12 19 Q. Well, which one, municipalities, industrial,  
13:27:16 20 remedial?

13:27:17 21 A. I don't understand your question.

13:27:19 22 Q. You said you had three markets, municipalities,  
13:27:22 23 industrial, and remedial services.

13:27:24 24 A. Correct.

13:27:24 25 Q. We just talked about those. And then you -- and

13:27:28 1 you identified who your customers are for each one of  
 13:27:31 2 these markets. And then I asked do you market to  
 13:27:35 3 non-governmental organizations and aid organizations,  
 13:27:38 4 and then you said yes. And I asked in which one of  
 13:27:42 5 these markets do they fit, industrial, municipalities or  
 13:27:47 6 remedial?

13:27:48 7 A. I would say municipal.

13:27:50 8 Q. Okay. And what NGOs do you have as customers  
 13:27:54 9 today?

13:27:55 10 A. Customers today?

13:27:57 11 Q. Yes.

13:27:58 12 A. None.

13:28:03 13 Q. What NGOs have you had as customers in the past?

13:28:10 14 A. Sorry. Non-government organizations?

13:28:14 15 Q. Yes.

13:28:15 16 A. Can you give me an example of a non-government  
 13:28:19 17 organization?

13:28:20 18 Q. Human Rights Watch would be, you know, a big one.  
 13:28:25 19 Unicef. There are aid organizations that have --

13:28:32 20 A. I've had no sales to them. I know we've had  
 13:28:35 21 involvement with United Nations -- I'm trying to  
 13:28:38 22 remember the name of the department -- trying to get  
 13:28:40 23 them to buy our drinking water systems.

13:28:44 24 Q. Okay. Okay. So let's go back to that Exhibit  
 13:28:54 25 14, page 126, where you list your products. I just want

13:29:04 1 to go through your six different products and have you  
13:29:07 2 explain to me what they're used for and who the  
13:29:11 3 customers are and define the -- how they're used, are  
13:29:17 4 they plugged in, are they a piece of equipment that sits  
13:29:21 5 outside, that sort of thing.

13:29:22 6 So let's start with under Municipal Models, the  
13:29:26 7 Lab. So how big is this piece of equipment?

13:29:33 8 A. The Lab is a standard product. It's about two  
13:29:39 9 feet deep, it's about two feet high, and it's about five  
13:29:43 10 feet long in that configuration. It's on wheels. It's  
13:29:47 11 portable. Plugs into the wall.

13:29:56 12 Q. Okay. And do you sell this product?

13:29:59 13 A. Yes, we do.

13:30:00 14 Q. And then do you also sell services associated  
13:30:03 15 with the product?

13:30:04 16 A. Yes.

13:30:06 17 Q. Okay. And when someone -- when a customer buys  
13:30:10 18 the product, do they buy sort of a package?

13:30:15 19 A. They can. It's their choice. We offer them the  
13:30:18 20 flexibility.

13:30:19 21 Q. Okay. Do you install the product?

13:30:21 22 A. We offer that as well.

13:30:25 23 Q. Do customers usually take that installation  
13:30:29 24 package or purchase that installation package?

13:30:31 25 A. I would say it's rare. For the Photo-Cat L we

13:30:36 1 don't -- I'm trying to think if we've ever had, quote,  
 13:30:39 2 an installation package as part of the sale. I would  
 13:30:41 3 have to say no. This is so simple; you just wheel it in  
 13:30:45 4 and you plug it in and you turn it on and push the "go"  
 13:30:49 5 button.

13:30:51 6 Q. Okay. How is it connected to the water supply?

13:30:55 7 A. You can hook up a hose to it. It can pump water  
 13:31:00 8 for you.

13:31:04 9 Q. And is Purifics written on the product somewhere?

13:31:10 10 A. Yes, it is.

13:31:11 11 Q. And who -- how many of these products have you  
 13:31:18 12 sold approximately?

13:31:19 13 A. The Lab units?

13:31:21 14 Q. Yes.

13:31:22 15 A. Oh, in that configuration, at least a dozen; and  
 13:31:26 16 in other variants, at least another dozen.

13:31:33 17 Q. Okay. And who are the customers of these Lab  
 13:31:36 18 units?

13:31:38 19 MR. PHAM: Objection, asked and answered.

13:31:45 20 A. The customers are the end users. They're labs,  
 13:31:53 21 they're research facilities. Government.

13:32:05 22 (BY MS. LOESCH)

13:32:05 23 Q. Okay. Are they -- okay. So the next product is  
 13:32:13 24 0.5 MGD. What is the size of that product?

13:32:21 25 A. Okay. These are various platforms of the same

13:32:24 1 photocatalytic technology. We make smaller variants  
13:32:27 2 than the Lab unit as well that you can, you know, drop  
13:32:32 3 on a desk, that are only, I'd say, three feet long. We  
13:32:38 4 take the same technology and we just scale it up into  
13:32:41 5 different platforms for greater and greater capacity.

13:32:45 6 We have systems that plug into a 110-volt outlet  
13:32:51 7 on the wall. We have systems that will plug into your  
13:32:53 8 dryer connection, for example. And then we go right up  
13:32:56 9 to the 480-volt system. So we cover the whole spectrum  
13:33:01 10 of the market.

13:33:03 11 Q. So is your smallest product the Lab product?

13:33:06 12 A. No, we've made smaller ones.

13:33:11 13 Q. So is the 0.5 the smaller product MGD, your  
13:33:17 14 smaller product?

13:33:18 15 A. No that's a bigger.

13:33:20 16 Q. Is the Multi-MGD a smaller product?

13:33:23 17 A. No, that's a bigger product.

13:33:25 18 Q. What about the DL: 5-50kW?

13:33:29 19 A. We package our products for the different  
13:33:33 20 markets. So industrial markets are more interested in  
13:33:36 21 power, and that's why they're all labeled as kilowatts;  
13:33:41 22 and the municipal markets, which are your drinking water  
13:33:44 23 markets and your water reuse markets, they're more  
13:33:47 24 interested in capacity.

13:33:51 25 Q. What do you mean by capacity, like amount of

13:33:53 1 water you can use?

13:33:54 2 A. How many liters a day it can produce.

13:33:58 3 Q. And what's the difference between capacity and  
13:34:01 4 kilowatts?

13:34:03 5 A. Just the end user wants to talk -- depending on  
13:34:06 6 the market. In an industrial market, the end user wants  
13:34:09 7 to talk power, and the municipal or drinking water  
13:34:14 8 market wants to talk capacity.

13:34:17 9 Q. Okay.

13:34:18 10 A. So MGD stands for million gallon per day.

13:34:23 11 Q. Okay. So then the industrial models, the DL:  
13:34:29 12 5-50kW, that's the same size as the Lab model?

13:34:33 13 A. No, the DL platform is the same as the half MGD  
13:34:41 14 platform.

13:34:42 15 Q. By the same -- by platform you're talking about  
13:34:46 16 size of the physical structure?

13:34:47 17 A. Yeah. Same physical footprint. There are slight  
13:34:51 18 differences in the -- in the paperwork associated with  
13:34:56 19 the platforms, depending on the market.

13:34:57 20 Q. Okay. And by DL line are you talking about the  
13:35:01 21 DL, DDL or DQL?

13:35:04 22 A. They are just bigger platforms of the same thing.

13:35:06 23 Q. Okay. So you said you had a product that was  
13:35:08 24 smaller than the Lab product; what product is that?

13:35:12 25 A. It's a Photo-Cat product.

13:35:16 1 Q. And what is the name of the product?

13:35:18 2 A. Don't really have a name for it, it's just a  
13:35:22 3 Photo-Cat system.

13:35:23 4 Q. And where is that on your website, on this  
13:35:26 5 Exhibit 14?

13:35:27 6 A. We haven't promoted it on the website. I've had  
13:35:32 7 it at trade shows. I've had it in classrooms. I use it  
13:35:38 8 to promote Purifics and its technology.

13:35:43 9 Q. Okay. Do you try to market it or sell it to  
13:35:46 10 customers?

13:35:47 11 A. Yes.

13:35:49 12 Q. Have you sold it to customers?

13:35:54 13 A. Not yet. The Photo-Cat, the Photo-Cat L or our  
13:36:05 14 smaller systems are not limited in size. I can keep  
13:36:08 15 making them smaller and smaller and smaller. There's no  
13:36:11 16 limitation other than, you know, spending the time to  
13:36:15 17 make a smaller package.

13:36:17 18 Like the Photo-Cat L is currently five feet long.  
13:36:22 19 I can make it -- I can make it 30 inches long. I can  
13:36:26 20 make it 24 inches long. I designed one package that  
13:36:29 21 would go into a little bit larger than a waste bucket.

13:36:37 22 Q. Now, your products all need to be plugged in, is  
13:36:42 23 that correct, to provide some power?

13:36:42 24 A. No.

13:36:46 25 Q. No?

13:36:47 1 A. We designed one for NASA that did not need to be  
13:36:50 2 plugged in for power.

13:36:51 3 Q. How is that powered?

13:36:52 4 A. Solar.

13:36:57 5 Q. And how big was that product?

13:37:02 6 A. It was about twelve inches in diameter and  
13:37:09 7 about -- designed to fit in something about twelve  
13:37:12 8 inches diameter and twenty-four inches deep.

13:37:19 9 Q. Okay. So I'm going to switch topics a little  
13:37:26 10 bit. Do you --

13:37:26 11 A. Before you do that, just to finish up.

13:37:28 12 Q. Yes?

13:37:29 13 A. So we were paid for that work.

13:37:33 14 Q. For NASA?

13:37:34 15 A. Correct.

13:37:35 16 Q. Okay. Do you have anything else to add?

13:37:43 17 A. No.

13:37:44 18 Q. All right. So you talked a lot about trade shows  
13:37:47 19 and conferences during your testimony. And the  
13:37:50 20 documents that were introduced or were produced or/and  
13:37:54 21 introduced were all dated 2006 and earlier. Have you  
13:37:58 22 sponsored any trade shows since 2006?

13:38:02 23 A. Yes.

13:38:07 24 Q. Which ones?

13:38:09 25 A. I mentioned that I'd -- we had sponsorship at the



13:38:13 1 WateReuse conference in Hollywood, Florida, in  
13:38:21 2 September, the most recent.

13:38:28 3 Q. What's the most recent award you've received?

13:38:33 4 A. That would be -- like you're talking about an  
13:38:38 5 honorarium as opposed to a contract award?

13:38:42 6 Q. I'm not sure what the difference is between a  
13:38:45 7 contract award and honorarium, so if you could explain  
13:38:50 8 that first.

13:38:51 9 A. I don't know what you mean by "award." There's a  
13:38:53 10 contract award, or are you talking about public  
13:38:56 11 recognition for some accomplishment?

13:38:58 12 Q. Public recognition for an accomplishment.

13:39:02 13 A. Okay. Most recent one that comes to mind would  
13:39:05 14 be the Artemis award.

13:39:07 15 Q. And when was that?

13:39:10 16 A. That's in the exhibits, that -- we received the  
13:39:14 17 award I believe it was June of 2011. It's the same one  
13:39:25 18 that Puralytics was awarded.

13:39:35 19 Q. Okay. So when you go to these trade shows are  
13:39:41 20 there water purification companies at the shows?

13:39:43 21 A. Other water purification trade -- other water  
13:39:48 22 purification companies? Yes.

13:39:50 23 Q. Yes. How many?

13:39:54 24 A. Oh, could be as small as a dozen; can be as many  
13:39:58 25 as thousands.

13:40:05 1 Q. So there are a lot of different companies that do  
13:40:08 2 water purification?

13:40:09 3 A. Correct.

13:40:13 4 Q. All right. Do any of them have pur, p-u-r, in  
13:40:25 5 the name?

13:40:26 6 A. Do they have the letters P and letter U and the  
13:40:30 7 letter R?

13:40:31 8 Q. Yes.

13:40:32 9 A. I don't know.

13:40:33 10 Q. You don't know of any other -- in any of these  
13:40:36 11 water purification companies that you see at these trade  
13:40:40 12 shows, you don't know if any of them -- their name  
13:40:44 13 starts with the letters p-u-r?

13:40:46 14 A. Not that I'm immediately aware of or looked for.

13:40:49 15 Q. Okay. So you had mentioned that you used  
13:41:03 16 consultants to -- do you sell to consultants, or can you  
13:41:07 17 kind of explain what the consultants do again?

13:41:10 18 A. Just to go back to your previous question, we're  
13:41:13 19 aware of Puralytics, okay? With the Artemis activity  
13:41:18 20 and in the water -- I believe it was the Water Tech  
13:41:27 21 symposium in California.

13:41:33 22 Q. Can you check out Exhibit 20, the second page of  
13:41:41 23 the exhibit, page 156.

13:41:57 24 A. Okay.

13:41:58 25 Q. Okay. If you look on -- can you look to see

13:42:02 1 where Purifics is on that page?

13:42:05 2 A. Yes.

13:42:06 3 Q. And what's right above it?

13:42:08 4 A. Pureflow Ultraviolet.

13:42:10 5 Q. Is that a name that begins with the letters

13:42:16 6 p-u-r?

13:42:16 7 A. Yes.

13:42:16 8 Q. And is it right next to Purifics on the list?

13:42:18 9 A. Yes, it is.

13:42:19 10 Q. And do they do water purification of some sort?

13:42:24 11 A. To the best of my knowledge, I believe they do

13:42:27 12 disinfection.

13:42:33 13 Q. And how is water disinfection different from

13:42:39 14 water purification?

13:42:41 15 A. Disinfection is neutering the bacteria, it's not

13:42:44 16 removing anything. So it's not purifying.

13:42:50 17 Q. Okay. So going to the consultants, can you

13:43:01 18 explain what they do or what their -- how they're

13:43:05 19 involved in your marketing or your sales?

13:43:10 20 A. They're one avenue to the market. They're one

13:43:16 21 distribution channel.

13:43:17 22 Q. And in what capacity; do they come after you or

13:43:21 23 do you go after them?

13:43:24 24 A. Both.

13:43:25 25 Q. Okay. So they're separate from the

13:43:28 1 representatives that you use?

13:43:37 2 A. I'm sorry. Have you asked me a question?

13:43:39 3 Q. Yes. You said that you -- you said you use like

13:43:43 4 representatives. Are they separate from these

13:43:45 5 representatives that you use?

13:43:47 6 A. They're separate from the manufacturers' reps

13:43:50 7 that we use, correct.

13:44:18 8 Q. Okay. Now, you said that a consultant can use

13:44:22 9 both Purifics products and Puralytics products for the

13:44:25 10 same purpose. Can you explain this?

13:44:27 11 A. I haven't said that.

13:44:28 12 MR. PHAM: Objection, misstates testimony in  
13:44:30 13 record.

13:44:33 14 (BY MS. LOESCH)

13:44:38 15 Q. Okay. I'm pretty sure you said that, but that's  
13:44:41 16 okay.

13:44:42 17 So do you -- the consultants -- then is it -- is  
13:44:44 18 it your testimony that consultants do not use both  
13:44:47 19 Purifics products and Puralytics products for the same  
13:44:49 20 purpose?

13:44:50 21 A. I haven't said that, either.

13:44:52 22 Q. So my question is, do consultants use both  
13:44:56 23 Purifics products and Puralytics products for the same  
13:44:59 24 purpose?

13:45:01 25 A. Consultants use? I'm not --

13:45:08 1 Q. Or purchase.

13:45:13 2 MR. PHAM: Salumeh, can you rephrase the  
13:45:16 3 question again.

13:45:17 4 (BY MS. LOESCH)

13:45:17 5 Q. Do consultants use or purchase both Purifics  
13:45:23 6 products and Puralytics products for the same purpose?

13:45:27 7 A. I know that consultants buy Purifics products. I  
13:45:30 8 can't comment on Puralytics.

13:45:33 9 Q. Do you know if your consultants use both  
13:45:37 10 Purific -- or buy both Purifics products and Puralytics  
13:45:41 11 products, the same consultants?

13:45:42 12 MR. PHAM: Salumeh, I'm going to object to  
13:45:45 13 this line of questioning as assuming facts not in  
13:45:47 14 record.

13:45:48 15 A. I know that consultants look at photocatalytic  
13:45:51 16 solutions, and I know that they look at vendors of  
13:45:55 17 photocatalytic technology.

13:45:59 18 Q. Okay. And to the best of your knowledge, you've  
13:46:03 19 not had a consultant mention by name a Puralytics  
13:46:07 20 product in conjunction with a Purifics product; is that  
13:46:10 21 correct?

13:46:11 22 A. Yes.

13:46:15 23 Q. Okay. So you just said that they look at  
13:46:25 24 photocatalytic technology, consultants; is that correct?

13:46:29 25 A. Yes.

13:46:30 1 Q. And when you say they look at the technology,  
13:46:34 2 what do they look at it for or what is their purpose in  
13:46:37 3 looking at the technology?

13:46:39 4 A. For water purification.

13:46:42 5 Q. So they look at the technologies to see what they  
13:46:49 6 can use, what products there are; what do they --  
13:46:51 7 besides water purification do they look at the  
13:46:53 8 technology to see what's a better way of purifying  
13:46:56 9 water, or what?

13:46:58 10 A. A consultant looks at options to meet a client's  
13:47:02 11 need. I don't know exactly what the client's need is.  
13:47:07 12 I only know what the consultants will tell me. They  
13:47:11 13 look at different options and they look at  
13:47:14 14 photocatalytic options for water purification.

13:47:19 15 Q. Okay. And so when they look at these  
13:47:22 16 photocatalytic options, they have Purifics products or  
13:47:27 17 Puralytics products; is that correct?

13:47:29 18 A. I'm having trouble hearing. Can you repeat that,  
13:47:33 19 please, that last part.

13:47:34 20 Q. When they have -- sorry. When they look at  
13:47:36 21 photocatalytic options, they look at Purifics products  
13:47:39 22 and Puralytics products; is that correct?

13:47:42 23 A. Okay. What I know is that they don't tell me who  
13:47:45 24 all they're looking at. All I know is they're looking  
13:47:49 25 at photocatalytic options.

13:47:52 1 Q. Okay.

13:47:53 2 A. And Purifics is one of them. And I know that we  
13:47:56 3 are the only commercial photocatalytic vendor in the  
13:48:02 4 market for at least the last ten years, that I'm aware  
13:48:07 5 of, with the exception of Puralytic.

13:48:16 6 Q. Okay.

13:48:19 7 A. So I'm not privy to the information you're  
13:48:21 8 asking.

13:48:24 9 Q. Okay. So you don't know if a consultant -- so  
13:48:28 10 all you know from the consultants is that they're  
13:48:30 11 looking for a photocatalytic product?

13:48:32 12 A. No. I know that they've looked at other  
13:48:35 13 photocatalytic options.

13:48:39 14 Q. And they don't tell you what options they've  
13:48:43 15 looked at; is that correct?

13:48:45 16 A. Correct. They don't tell me the name of the  
13:48:48 17 company.

13:48:49 18 Q. Okay.

13:48:49 19 A. Or they say they've looked at something, and I  
13:48:52 20 know they haven't talked to me, so I don't know who  
13:48:55 21 they're talking to.

13:48:57 22 Q. Okay. But they have not mentioned Puralytics by  
13:49:00 23 name to you; is that correct?

13:49:03 24 A. Consultants to date, correct. Engineering  
13:49:06 25 consultants to date have not used Puralytics by name to

13:49:12 1 me.

13:49:12 2 Q. Okay. Now, you mentioned that there was an  
13:49:20 3 instance of actual confusion with a hire you had. Can  
13:49:26 4 you explain that a little bit more?

13:49:27 5 A. Yes. We were recruiting and we interviewed a  
13:49:40 6 candidate. We went on to award him a position with  
13:49:45 7 Purifics, and in the course of discussions he'd  
13:49:47 8 identified that he'd looked up Purifics and Puralytics  
13:49:51 9 and thought they were the same company.

13:49:53 10 Q. So who is this -- what is the name of this  
13:49:56 11 person?

13:49:56 12 A. Owen Egan.

13:50:00 13 Q. Can you spell the last name?

13:50:03 14 A. I think it's E-g-a-n.

13:50:05 15 Q. I'm sorry. Can you say that again?

13:50:07 16 A. E-g-a-n.

13:50:10 17 Q. And what position were you recruiting for?

13:50:13 18 A. Marketing.

13:50:20 19 Q. And so --

13:50:25 20 A. With an emphasis on internet skills.

13:50:33 21 Q. So is it correct to say that when you were --  
13:50:37 22 when Mr. Egan was -- your understanding is that when  
13:50:41 23 Mr. Egan was looking at the potential position at your  
13:50:47 24 company he looked -- he searched or tried to do some  
13:50:52 25 research and confused Purifics for Puralytics?



13:50:56 1 A. Correct.

13:50:56 2 MR. PHAM: Objection, asked and answered.

13:51:00 3 (BY MS. LOESCH)

13:51:00 4 Q. Okay. And do you know how he confused them? He  
13:51:03 5 thought they were the same company?

13:51:04 6 A. Correct.

13:51:05 7 MR. PHAM: Objection, asked and answered.

13:51:08 8 Q. So when he came to your office to interview for  
13:51:12 9 the job, he thought he was going to Puralytics?

13:51:18 10 A. He thought he was -- I don't know what he  
13:51:20 11 thought.

13:51:25 12 Q. And when did this happen?

13:51:29 13 A. This would have been June time frame of 2012.

13:51:40 14 Q. Did you ask him any questions about this?

13:51:46 15 A. Directly about Puralytics, no.

13:51:49 16 Q. Did you ask him any questions about why he  
13:51:52 17 thought they were the same company?

13:51:54 18 A. No, I did not.

13:52:01 19 Q. So how did you find out that he thought that you  
13:52:06 20 guys -- he confused Puralytics and Purifics?

13:52:11 21 A. Meeting in our boardroom, in the course of  
13:52:13 22 conversation it came up.

13:52:19 23 Q. And what was the conversation about?

13:52:21 24 A. I don't recall the specifics.

13:52:26 25 Q. And did you ask any further questions about it?

13:52:29 1 MR. PHAM: Objection, asked and answered.

13:52:37 2 A. Repeat the question, please.

13:52:38 3 (BY MS. LOESCH)

13:52:38 4 Q. Did you ask any further -- when it came up in the  
13:52:42 5 meeting in the boardroom, did you ask any further  
13:52:45 6 questions about it?

13:52:46 7 A. No. Not that I recall.

13:52:48 8 Q. For example, you didn't ask that in his searching  
13:52:53 9 when he was coming and applying for the job he didn't  
13:52:55 10 notice that Puralytics was located in Oregon and  
13:52:59 11 Purifics was located in Canada?

13:53:03 12 MR. PHAM: Objection, asked and answered.

13:53:04 13 Assumes facts not in record.

13:53:08 14 A. I don't recall.

13:53:10 15 Q. Okay. Is he still employed by the company?

13:53:17 16 A. No, he is not.

13:53:20 17 Q. And why not?

13:53:23 18 A. Couldn't do the job.

13:53:25 19 Q. Pardon?

13:53:26 20 A. He wasn't able to do the job.

13:53:34 21 Q. Okay. Was anyone else in the boardroom when this  
13:53:37 22 came up?

13:53:39 23 A. I don't recall.

13:53:45 24 Q. And was the June 12th date, was that the date  
13:53:49 25 when Mr. Egan was interviewed or was that the date of

13:53:52 1 the boardroom meeting?

13:53:56 2 MR. PHAM: Salumeh, I don't think he said

13:53:58 3 June 12th. I think he said June 2012.

13:54:02 4 (BY MS. LOESCH)

13:54:03 5 Q. Excuse me. June 2012, is that the date when

13:54:06 6 Mr. Egan was hired or was that the date of the boardroom  
13:54:09 7 meeting?

13:54:09 8 A. That was the time frame of the discussion in the  
13:54:12 9 boardroom.

13:54:14 10 Q. And when was Mr. Egan hired or interviewed --  
13:54:17 11 excuse me. When was Mr. Egan interviewed?

13:54:21 12 A. Sometime prior to that date, say four to six  
13:54:27 13 weeks prior to that date. There would be a series of  
13:54:31 14 interviews.

13:54:39 15 Q. And when you said it came up during conversation  
13:54:42 16 in a boardroom meeting, was Mr. Egan the one who  
13:54:46 17 mentioned it?

13:54:47 18 A. Yes.

13:54:49 19 Q. So the only people that you remember who were in  
13:54:53 20 the boardroom were you and Mr. Egan?

13:54:55 21 A. Correct.

13:55:00 22 Q. And when -- when did Mr. Egan's employment with  
13:55:05 23 Purifics cease or terminate?

13:55:09 24 MR. PHAM: Objection, relevance.

13:55:12 25 A. Sometime over the summer. I don't recall the

13:55:14 1 exact dates.

13:55:17 2 (BY MS. LOESCH)

13:55:17 3 Q. So is it safe to say he was hired for three  
13:55:21 4 months or less?

13:55:23 5 A. Yeah. He didn't -- he didn't finish the  
13:55:27 6 probationary period.

13:55:36 7 Q. Okay. Have you ever had customers calling  
13:55:44 8 looking for Puralytics?

13:55:50 9 A. Not that I recall. I have customers that call  
13:55:57 10 looking for certain home solutions, treatment solutions.

13:56:08 11 Q. And do they ask for a particular Puralytics  
13:56:12 12 product?

13:56:13 13 A. I don't get that. By the time it gets to me they  
13:56:17 14 want to talk to Brian Butters.

13:56:21 15 Q. Okay. But to the best of your knowledge,  
13:56:25 16 Purifics has not received a call from a customer looking  
13:56:29 17 for Puralytics products?

13:56:31 18 A. Again, I've answered that.

13:56:34 19 Q. And what is your answer? Can you repeat your  
13:56:37 20 answer?

13:56:37 21 A. By the time they get to me, I don't get that. I  
13:56:40 22 don't hear how they call up, is this Purifics, is this  
13:56:44 23 Puralytics, I don't get that. It comes through the  
13:56:47 24 switchboard.

13:56:48 25 Q. My question is, to the best of your knowledge,

13:56:52 1 has a customer called looking for Puralytics?

13:56:54 2 MR. PHAM: Objection, asked and answered.

13:57:02 3 A. To the best of my knowledge I have not had anyone  
13:57:07 4 ask for Puralytics through the phone.

13:57:14 5 Q. To the best of your knowledge has a customer  
13:57:16 6 purchased a Purifics product, thinking they were  
13:57:21 7 purchasing a Puralytics product?

13:57:22 8 A. I have no knowledge of that.

13:57:31 9 Q. Okay. I want to turn to Exhibit 23. Who is Ben  
13:57:57 10 Buchsieb?

13:57:57 11 A. He's a consultant that I hired to represent  
13:58:00 12 Purifics and hire marketing reps.

13:58:03 13 Q. Does he still work for Purifics?

13:58:06 14 A. No.

13:58:09 15 Q. Okay. So this is -- so my understanding is,  
13:58:17 16 based on this email, this is how you first became aware  
13:58:21 17 of Puralytics; is that correct?

13:58:23 18 A. To the best of my knowledge, yes.

13:58:24 19 Q. And doesn't it indicate that the concern here is  
13:58:30 20 that their technology is similar and not that their name  
13:58:33 21 is similar?

13:58:34 22 A. In this email to Tony, that's --

13:58:39 23 Q. Yes.

13:58:39 24 A. -- what he's saying.

13:58:41 25 Q. Pardon?

13:58:42 1 A. In this email, that's what he's saying to Tony.

13:58:46 2 Q. And isn't it true that your concern of  
13:58:54 3 consultants is that they are more concerned about the  
13:58:58 4 similarity in the technology rather than the similarity  
13:59:02 5 in the name?

13:59:02 6 MR. PHAM: Objection, speculation.

13:59:12 7 A. The conversation I had with Ben was that the  
13:59:16 8 names sounded the same. That's the phone call Ben had  
13:59:19 9 with me on or about this date.

13:59:23 10 (BY MS. LOESCH)

13:59:23 11 Q. And with other consultants, isn't their confusion  
13:59:28 12 or is it your concern related to the photocatalytic  
13:59:33 13 technology rather than to the name?

13:59:37 14 A. My concern is that they confuse Puralytics with  
13:59:41 15 Purifics as offering the same technology:  
13:59:46 16 Photocatalysis.

13:59:49 17 Q. And why would they make that -- why would they  
13:59:52 18 confuse that?

13:59:53 19 A. Because the names are the same. They're both the  
13:59:57 20 compilation of "purification" and "photocatalytic." The  
14:00:03 21 technology is both photocatalytic. The descriptions of  
14:00:08 22 the technologies are similar on your website, the name  
14:00:11 23 is similar on the website, the little curve of going  
14:00:15 24 from good to bad around the Purific or Puralytic name is  
14:00:20 25 very similar. So from a, you know, general approach it

14:00:29 1 appears to be the same company, same process.

14:00:34 2 Q. And so if two companies use similar technology

14:00:38 3 how does that mean that their marks are similar and

14:00:41 4 confusing?

14:00:43 5 A. They are.

14:00:43 6 MR. PHAM: Objection, calls for legal

14:00:46 7 conclusion.

14:00:49 8 (BY MS. LOESCH)

14:00:49 9 Q. I'm not sure -- they are; what are?

14:00:52 10 A. They are confusing.

14:00:54 11 Q. Because they use the same technology or similar

14:00:56 12 technology they're confusing?

14:00:57 13 A. And the same name.

14:01:01 14 Q. My question is, does the fact they use similar

14:01:05 15 technology make the names more confusing?

14:01:07 16 MR. PHAM: Objection, calls for legal

14:01:09 17 conclusion.

14:01:10 18 A. In my opinion, yes, as well.

14:01:12 19 Q. Okay. Do you consider Puralytics a competitor?

14:01:20 20 A. Yes.

14:01:22 21 Q. How so?

14:01:26 22 A. We're participating in the same avenues for

14:01:29 23 awareness and acceptance of our technology. We're

14:01:34 24 competing in the same areas for investment. And we're

14:01:41 25 also competing in the drinking water market and in

14:01:44 1 research activities.

14:01:52 2 Q. How many other companies do you think or do you  
14:01:55 3 consider your competitors? How big -- let me rephrase  
14:01:59 4 that. How big do you consider your competitive pool to  
14:02:04 5 be?

14:02:04 6 A. In photocatalysis?

14:02:05 7 Q. Whatever you consider your competitor pool to be.

14:02:09 8 A. In photocatalysis, it's Purificks and Puralytics  
14:02:12 9 at this time.

14:02:14 10 Q. So do you consider Puralytics your competitor  
14:02:18 11 because they use photocatalytic technology?

14:02:22 12 A. And they're perceived as being the same company  
14:02:27 13 because of the similarities in the name.

14:02:34 14 Q. So do you consider them a competitor, regardless  
14:02:37 15 of their name, do you consider consider them a  
14:02:40 16 competitor because they use photocatalytic technology?

14:02:43 17 MR. PHAM: Objection, asked and answered.

14:02:48 18 A. Can you repeat the question?

14:02:49 19 (BY MS. LOESCH)

14:02:49 20 Q. Do you consider Puralytics a competitor because  
14:02:53 21 they use photocatalytic technology, regardless of their  
14:02:56 22 name?

14:02:57 23 A. I consider them a competitor because they have  
14:03:00 24 Puralytic -- photocatalytic products, and the confusion  
14:03:05 25 between their name and ours.



14:03:08 1 Q. So prior to Puralytics coming onto the market you  
14:03:12 2 did not consider anyone to be your competitor?

14:03:14 3 A. I did not see a photocatalytic competitor for  
14:03:18 4 about the last ten years in the marketplace.

14:03:20 5 Q. So besides the company that uses photocatalytic  
14:03:24 6 technology -- let me rephrase that. Excuse me.

14:03:26 7 If a company does not use photocatalytic  
14:03:29 8 technology for water purification, is it correct to say  
14:03:33 9 that you do not consider them a competitor?

14:03:37 10 A. I have other competitors in the market, yes.

14:03:41 11 Q. And how big is that -- and who are these  
14:03:45 12 competitors?

14:03:45 13 A. For advanced oxidation technologies, competitors  
14:03:51 14 in the market are APT, Calgon and Trojan.

14:04:05 15 Q. And those are the only competitors -- other  
14:04:08 16 competitors you see that you have?

14:04:10 17 A. For advanced oxidation processes, those are  
14:04:15 18 essentially the competitors I see. The market will look  
14:04:18 19 at a UV oxidation technology, they'll look at a chemical  
14:04:24 20 oxidation technology, and they'll look at a  
14:04:27 21 photocatalytic technology.

14:04:36 22 Q. Do you think Puralytics and Purifics provide the  
14:04:42 23 same services?

14:04:43 24 A. Yes.

14:04:43 25 Q. Are you aware that Puralytics does not provide

14:04:46 1 any services?

14:04:48 2 A. They sell water purification systems.

14:04:51 3 Q. So they have a product --

14:04:55 4 A. That they sell --

14:04:56 5 Q. -- known as "Shield" that they sell, but they

14:05:02 6 provide no services.

14:05:03 7 A. You've got a technical description or just

14:05:06 8 technical variants.

14:05:09 9 Q. So in your opinion, how are the services, as you  
14:05:13 10 define them, of Puralytics and Purifics similar?

14:05:19 11 A. What I'm saying is that they sell photocatalytic  
14:05:24 12 systems or solutions and I also sell photocatalytic  
14:05:29 13 solutions.

14:05:35 14 Q. Do you have a product that's a SolarBag that's  
14:05:42 15 targeted to individual hikers and individual customers?

14:05:46 16 A. The closest I have at the moment is basically  
14:05:49 17 TIO(2) in a bottle.

14:05:54 18 Q. Do you have a SolarBag that you target to and  
14:05:58 19 sell to individual customers and individual backpackers,  
14:06:03 20 hikers?

14:06:03 21 A. Not at this time.

14:06:17 22 Q. Okay. I'm going to turn to Exhibit 24, 25, 26,  
14:06:27 23 27, and 28.

14:06:36 24 MR. PHAM: Salumeh, can you repeat those.  
14:06:39 25 again?

14:06:39 1 MS. LOESCH: It's 24 through 28. Let me  
14:06:49 2 know when you have them in front of you.

14:06:52 3 A. Fire away.

14:06:54 4 Q. Okay. Exhibit 24, what was the mark, what was  
14:06:58 5 Elma's mark that you -- that was at issue in that  
14:07:06 6 dispute?

14:07:08 7 A. Purificare.

14:07:09 8 Q. And how is that similar to Purifics?

14:07:13 9 A. It's Purific-are.

14:07:17 10 Q. So it's identical except -- so it's identical  
14:07:21 11 except they have A-R and you have an S; is that correct?

14:07:24 12 A. Correct.

14:07:26 13 Q. Okay. Can you turn to Exhibit 25.

14:07:31 14 A. Yep.

14:07:33 15 Q. So what was the mark in dispute there?

14:07:36 16 A. I believe it was Purific Water Solutions.

14:07:42 17 Q. And what is the similarity between your mark and  
14:07:48 18 the Purific Water Solutions mark?

14:07:51 19 A. Purific is pretty close to Purifics.

14:07:53 20 Q. It's nearly identical; is that correct?

14:07:55 21 A. Yes.

14:07:57 22 Q. Now, Exhibit 26, what was the mark in dispute  
14:08:01 23 there?

14:08:05 24 A. Purific again.

14:08:07 25 Q. And is that mark identical to your mark?

14:08:11 1 A. Very close, yes. Confusing.

14:08:14 2 Q. It's identical, isn't it? "

14:08:17 3 A. Just missing the S.

14:08:19 4 MR. PHAM: Objection, calls for legal

14:08:21 5 conclusion.

14:08:23 6 (BY MS. LOESCH)

14:08:26 7 Q. Look at Exhibit 27. What was the mark there?

14:08:36 8 A. I've just got to find it here. Purific.

14:08:41 9 Q. And again, is that mark identical except for the

14:08:45 10 S to your mark?

14:08:46 11 A. Essentially very similar.

14:08:51 12 Q. Is it identical?

14:08:52 13 A. No.

14:08:52 14 Q. Except for the S?

14:08:54 15 A. It's not identical.

14:08:55 16 Q. How is it not identical except for the S?

14:08:59 17 A. It's missing the S.

14:09:01 18 Q. I'm sorry. I think you didn't hear me. I said

14:09:05 19 is it identical except for the S?

14:09:07 20 MR. PHAM: Objection, misstates testimony on

14:09:09 21 record. Calls for a legal conclusion.

14:09:13 22 (BY MS. LOESCH)

14:09:13 23 Q. I'm asking you the question and you may have

14:09:16 24 misunderstood me or not heard me. I'm asking you, is

14:09:20 25 the mark Purific identical to your mark except for the

14:09:23 1 S?

14:09:25 2 A. It's missing the S and the F is stylized in ours  
14:09:32 3 as well.

14:09:33 4 Q. So again I'm asking you -- it's a yes or no  
14:09:36 5 question -- is the Purific mark in Exhibit 27 identical  
14:09:42 6 to your mark except for the S?

14:09:44 7 MR. PHAM: Objection, asked and answered.

14:09:52 8 A. It's my same answer. It's confusing. It's very  
14:09:57 9 similar. There is the difference that one doesn't have  
14:10:02 10 the S, and depending on the form, whether it's typed or  
14:10:05 11 it's in our logo, there's a difference in the F.

14:10:09 12 Q. Okay. Can you turn to page 744 on that document.

14:10:16 13 A. Go ahead.

14:10:18 14 Q. And can you -- paragraph 8, can you read that,  
14:10:21 15 please?

14:10:22 16 A. Registrant's mark Purific is visually and  
14:10:25 17 phonetically identical to Petitioner's registered mark  
14:10:30 18 Purifics. Registrant's mark Purific is also identical  
14:10:34 19 in meaning to Petitioner's registered mark Purifics.

14:10:38 20 Q. Can you read paragraph 9?

14:10:41 21 A. Registrant's use of Purific is in the identical  
14:10:43 22 stylized format and font as Petitioner's registered mark  
14:10:50 23 Purifics.

14:10:51 24 Q. Did you review this document at any time?

14:10:53 25 A. I have reviewed it at some point in time, yes.

14:10:56 1 Q. And did you agree with these statements at the  
14:10:59 2 time?

14:10:59 3 A. Yes.

14:11:00 4 Q. Do you agree with them now?

14:11:01 5 A. Yes.

14:11:03 6 Q. Okay.

14:11:05 7 MR. PHAM: Objection, calls for a legal  
14:11:07 8 conclusion.

14:11:17 9 (BY MS. LOESCH)

14:11:17 10 Q. Okay. So now I'm going to turn to Exhibit 100.  
14:11:35 11 I'm going to go through these Exhibits 100 through 116  
14:11:38 12 now, so if you can have those in front of you it might  
14:11:43 13 be easier.

14:12:06 14 MR. PHAM: Salumeh, we have them in front of  
14:12:09 15 us.

14:12:10 16 MS. LOESCH: Okay.

14:12:11 17 Q. So on Exhibit 100, what is the name you see  
14:12:16 18 there?

14:12:17 19 A. Purifex.

14:12:20 20 Q. And do you think that's similar to Purifex?

14:12:25 21 A. Appears similar.

14:12:26 22 Q. Excuse me?

14:12:27 23 A. It appears similar.

14:12:29 24 MR. PHAM: Objection, calls for legal  
14:12:30 25 conclusion.

14:12:31 1 Q. And what is -- and I'm asking just for your  
 14:12:34 2 opinion. I'm not asking for a legal conclusion, whether  
 14:12:37 3 it is or isn't similar. I'm asking for your opinion,  
 14:12:39 4 just like you gave your opinion that you think  
 14:12:42 5 Puralytics is similar to Purifics. Here I'm asking you  
 14:12:45 6 if you think Purifex is similar to Purifics.

14:12:51 7 A. My opinion is that it's similar.

14:12:54 8 Q. And the goods and services listed there, can you  
 14:12:56 9 read that, please, just starting after the colon.

14:12:59 10 A. Filter media available as components of water  
 14:13:03 11 purifiers and water filtering units for domestic and  
 14:13:09 12 commercial use.

14:13:09 13 Q. So would you say that they provide goods and  
 14:13:13 14 services -- or goods in the water purification, water  
 14:13:17 15 purifiers?

14:13:17 16 MR. PHAM: Objection, speculation, assumes  
 14:13:19 17 facts not in record.

14:13:22 18 A. They don't provide -- it appears they don't  
 14:13:26 19 provide photocatalytic solutions.

14:13:53 20 (BY MS. LOESCH)

14:13:53 21 Q. Hold on a second. I'm trying to find a document.  
 14:14:00 22 Sorry. I'm going to put you on hold for just one  
 14:14:04 23 second, okay?

14:14:05 24 (Pause)

14:14:14 25 Q. So Mr. Butters, does your mark list

14:14:17 1 photocatalytic solutions, your registration?

14:14:21 2 A. I don't have it in front of me. I don't know at  
14:14:29 3 this time.

14:14:34 4 MS. LOESCH: Tan, would you stipulate that  
14:14:37 5 his mark does not? Or I can email it to you right now  
14:14:40 6 and introduce it into evidence.

14:14:41 7 MR. PHAM: Well, I mean, I don't have my  
14:14:43 8 email in front of me -- you can email to me and I'll try  
14:14:47 9 to pull it up on my phone.

14:14:58 10 MS. LOESCH: Why don't we -- can we take a  
14:15:00 11 quick break and I can email this and you can go print it  
14:15:03 12 out and then --

14:15:04 13 MR. PHAM: Yeah, that will be great.

14:15:06 14 MS. LOESCH: Okay. So we'll meet back up  
14:15:09 15 in -- five minutes good?

14:15:10 16 MR. PHAM: Five minutes is fine.

14:15:13 17 MS. LOESCH: Okay. Bye.

14:15:13 18 (Short recess)

14:29:30 19 MR. PHAM: We're back on the record.

14:29:34 20 (BY MS. LOESCH)

14:29:34 21 Q. Mr. Butters, last time we were talking, or before  
14:29:37 22 the break we were talking about Exhibit 100 and the mark  
14:29:41 23 for Purifex. And you read the goods and services listed  
14:29:45 24 and I asked you if they, you know, if they do water  
14:29:50 25 purification, water purifying; you said they don't do



14:29:56 1 photocatalytic water purification.

14:29:57 2 And so I asked you about your registration and

14:30:02 3 whether on your registration you identified that you

14:30:05 4 used photocatalytic services or photocatalytic water

14:30:08 5 purification treatments, and you weren't -- you didn't

14:30:13 6 have your mark or your registration in front of you.

14:30:16 7 So now I want you to look at Exhibit 117. Do you

14:30:24 8 recognize this at all?

14:30:25 9 A. Yes.

14:30:26 10 Q. And what is this document?

14:30:29 11 A. Actually, before we go back, I can't comment on

14:30:31 12 whether Purifex does photocatalysis or not. It doesn't

14:30:38 13 identify it in the document here.

14:30:42 14 Q. Okay. Now, do you identify -- so let's go back

14:30:49 15 to Exhibit 117. Do you recognize this document?

14:30:55 16 A. Yes.

14:30:55 17 Q. And what is this document?

14:31:01 18 A. I guess this is my trademark electronic search

14:31:06 19 printout.

14:31:09 20 Q. Okay. And what is the mark?

14:31:10 21 A. Purifex.

14:31:11 22 Q. Okay. And on your goods and services what do you

14:31:16 23 have listed there? If you could just read after the

14:31:18 24 colon again.

14:31:19 25 A. I have environmental remediation services, and

14:31:22 1 namely soil, waste, and water treatment services, and  
14:31:28 2 air purification services.

14:31:31 3 Q. So do you list photocatalysis or  
14:31:36 4 photocatalysis -- how do you -- photocatalytic, on  
14:31:40 5 there?

14:31:41 6 A. No, it's implied in our name, as I mentioned  
14:31:44 7 earlier.

14:31:45 8 Q. But under goods and services you don't list  
14:31:49 9 photocatalysis at all?

14:31:50 10 A. It's not in this listing, no.

14:31:53 11 Q. Okay. Can you look at Exhibit 118?

14:31:55 12 A. 118?

14:32:00 13 Q. Yes.

14:32:01 14 A. Oh. Okay.

14:32:08 15 Q. What is the mark on this exhibit?

14:32:12 16 A. Waste water purification units; water  
14:32:15 17 purification and filtration apparatus; water  
14:32:19 18 purification units.

14:32:21 19 Q. And is photocatalytic -- photocatalysis listed  
14:32:26 20 anywhere on there?

14:32:27 21 A. No.

14:32:27 22 Q. And this is the registration or application for  
14:32:30 23 the Puralytics mark; is that right?

14:32:32 24 A. Yes.

14:32:33 25 Q. Okay. So going back to Exhibit 100, for the mark

14:32:41 1 Purifex, why didn't you oppose this mark?

14:32:46 2 A. I haven't seen it until you presented it.

14:32:48 3 Q. So you've never seen Purifex before?

14:32:53 4 A. I have not seen Purifex until you presented it.

14:32:58 5 Q. Okay. Can you turn to Exhibit 101?

14:33:04 6 A. Yes.

14:33:05 7 Q. What is -- under Word Mark, next to Word Mark,  
14:33:10 8 what is that?

9 MR. PHAM: Salumeh, you're cutting in and  
14:33:17 10 out.

14:33:17 11 Q. Sorry. We'll do that again, then. What is the  
14:33:22 12 mark next to the Word Mark on this document Exhibit 101?

14:33:28 13 A. Purifica.

14:33:29 14 Q. Is that similar to Purifics?

14:33:36 15 A. Somewhat similar.

14:33:37 16 MR. PHAM: Salumeh, for all of these  
14:33:40 17 exhibits I'm just going to object to calls for a legal  
14:33:45 18 conclusion.

14:33:46 19 MS. LOESCH: Okay. And I just want to  
14:33:50 20 clarify I'm not asking for his legal opinion. I'm just  
14:33:53 21 asking for the opinion that he gave about Puralytics,  
14:33:56 22 his personal opinion.

14:33:58 23 (BY MS. LOESCH)

14:33:58 24 Q. Is Purifica, isn't the first seven letters the  
14:34:05 25 same as your mark for Purifics?

14:34:07 1 A. The first seven letters are the same, yes.

14:34:10 2 Q. The only difference is the last letter?

14:34:13 3 A. This is a piece of art work, if I understand what  
14:34:16 4 they've got here.

14:34:21 5 Q. I'm just asking where it said Word Mark,  
14:34:25 6 Purifica, I'm asking you how that differs or does not  
14:34:32 7 differ from your mark.

14:34:33 8 A. Its first seven letters are the same. It's lower  
14:34:37 9 case lettering.

14:34:42 10 Q. Okay. Under goods and services, what is listed  
14:34:47 11 past the colon there?

14:34:48 12 A. Water filtration dispenser, namely, water  
14:34:52 13 filtration units for domestic and commercial use.

14:34:55 14 MR. PHAM: Salumeh, for all of these I'm  
14:34:57 15 going to object to the document speaks for itself.

14:34:59 16 MS. LOESCH: Okay.

14:35:00 17 (BY MS. LOESCH)

14:35:00 18 Q. And so are these -- would you say this is --  
14:35:08 19 they're in the water purification industry as well?

14:35:12 20 MR. PHAM: Objection, speculation.

14:35:14 21 A. I don't know what they do other than they  
14:35:16 22 identify goods and services as water filtration  
14:35:19 23 dispenser system, namely, water filtration unit for  
14:35:22 24 domestic and commercial use.

14:35:23 25 Q. Okay. And did you consider opposing or

14:35:27 1 challenging this mark?

14:35:28 2 A. I've never seen this mark until you presented it  
14:35:30 3 to us.

14:35:32 4 Q. Okay. Please go to Exhibit 102. Next to the  
14:35:42 5 Word Mark what is it listed there?

14:35:44 6 A. Purifite.

14:35:46 7 Q. And is that -- would you consider that similar to  
14:35:49 8 Purifics?

14:35:56 9 A. Don't know.

14:35:58 10 Q. Are the first six letters identical?

14:36:04 11 A. Yes.

14:36:06 12 Q. Okay. So the first six letters are identical but  
14:36:09 13 you don't know if Purifite is similar to Purifics?

14:36:14 14 A. I haven't seen this until you presented it today.  
14:36:17 15 I'm not familiar with the company or what it does.

14:36:19 16 Q. But I'm just talking about the word mark, just  
14:36:22 17 the mark Purifite.

14:36:24 18 A. I agree the first seven letters are the same --  
14:36:27 19 or six letters.

14:36:28 20 Q. Okay. And under goods and services what do they  
14:36:31 21 have listed?

14:36:32 22 A. Water purification apparatus.

14:36:34 23 Q. Okay. And is that -- would you -- based on that  
14:36:40 24 exhibit, does it seem like they do water purification?

14:36:43 25 MR. PHAM: Objection, calls for speculation.

14:36:46 1 A. Yes, I don't know what they do here. This could  
14:36:48 2 be steam traps, for all I know.

14:36:51 3 (BY MS. LOESCH)

14:36:51 4 Q. Okay. But the goods and services here listed on  
14:36:55 5 their registration says water purification apparatus,  
14:36:57 6 and based on that, based on what they say on their  
14:37:02 7 application, on their registration, would you say that  
14:37:04 8 they would do water purification?

14:37:06 9 A. Again, all I've got is it says water purification  
14:37:10 10 apparatus. I don't know what that is.

14:37:12 11 Q. Have you seen this mark before? Have you heard  
14:37:14 12 of Purefite before?

14:37:17 13 A. I've already said no, I have not.

14:37:18 14 MR. PHAM: Objection, asked and answered.

14:37:21 15 (BY MS. LOESCH)

14:37:21 16 Q. Okay. Did you consider opposing this mark at  
14:37:24 17 all?

14:37:24 18 A. I don't have an opinion at this time.

14:37:25 19 Q. I said did you consider opposing this mark?

14:37:29 20 MR. PHAM: Objection, assumes facts not in  
14:37:31 21 record.

14:37:33 22 A. Again, the first time I've seen this is today.

14:37:36 23 Q. Okay. So your answer then is, no, you did not.  
14:37:40 24 consider opposing this mark?

14:37:41 25 A. I did not say that.

14:37:42 1 Q. Okay. So can you answer my question? My  
14:37:45 2 question is, have you considered or did you prior to  
14:37:48 3 today consider opposing this mark?

14:37:50 4 MR. PHAM: Salumeh, I'm going to object to  
14:37:52 5 this line of questioning. He already said that he has  
14:37:54 6 never seen this mark. So obviously he cannot ever have  
14:37:57 7 considered it.

14:37:59 8 MS. LOESCH: He can answer my question.

14:38:02 9 (BY MS. LOESCH)

14:38:02 10 Q. Did you consider opposing this mark?

14:38:04 11 A. To repeat myself, I have not seen this until you  
14:38:07 12 have presented it. I don't have an opinion at this  
14:38:09 13 time.

14:38:14 14 MS. LOESCH: Okay. So I'm going to say  
14:38:16 15 that's nonresponsive.

14:38:19 16 MR. PHAM: Objection, speculation.

14:38:24 17 Q. I'm not asking about the future. I'm asking  
14:38:26 18 about the past. Did you consider.

14:38:30 19 A. Past -- again, I have not seen it until this  
14:38:32 20 moment.

14:38:34 21 Q. Okay. So we can move on. On Exhibit 103, what  
14:38:44 22 is the word mark there?

14:38:45 23 A. Purative.

14:38:47 24 Q. And would you say that's similar to your mark  
14:38:50 25 Purifics?

14:38:50 1 A. No.

14:38:52 2 Q. No? And why do you say it's not similar?

14:38:56 3 A. Purative. Got a different flow to it.

14:39:02 4 Q. Okay. And the marks are -- the first three  
14:39:06 5 letters are identical; is that correct?

14:39:08 6 A. Begins with a P, second letter's a U, third  
14:39:15 7 letter's an R.

14:39:16 8 Q. Okay. And what does it say under Goods and  
14:39:18 9 Services?

14:39:18 10 A. Water purification and filtration apparatus.

14:39:22 11 Q. And again, based on what you can read here, water  
14:39:26 12 purification and filtration apparatus, does it say they  
14:39:28 13 do water purification?

14:39:29 14 A. It says on the document water purification and  
14:39:32 15 filtration apparatus. That's all I know.

14:39:35 16 Q. And have you seen this mark before?

14:39:37 17 A. No, I have not.

14:39:42 18 Q. So is it safe to say that you haven't considered  
14:39:48 19 opposing this mark?

14:39:49 20 A. The question has been asked and answered. I just  
14:39:51 21 saw this today when you presented it. I don't have an  
14:39:56 22 opinion at this time.

14:40:00 23 MS. LOESCH: Okay. I'm going to say that's  
14:40:02 24 nonresponsive.

14:40:02 25 (BY MS. LOESCH)



14:40:03 1 Q. Can we go to Exhibit 104 please?

14:40:06 2 MR. PHAM: Salumeh, I'm going to object to  
14:40:08 3 your line of questioning as mischaracterizing the  
14:40:12 4 evidence in record.

14:40:17 5 Q. Okay. Can we go to Exhibit 104, please? What is  
14:40:20 6 the mark there?

14:40:21 7 A. Puronix.

14:40:22 8 Q. Would you say that's similar to your mark  
14:40:25 9 Purifics?

14:40:25 10 A. No.

14:40:28 11 Q. Are the first three letters the same?

14:40:31 12 A. Yes.

14:40:32 13 Q. Okay. And what are their goods and services,  
14:40:38 14 what's listed there?

14:40:39 15 A. Water conditioning units; water purifiers; water  
14:40:45 16 softening units; water sterilizing units; water  
14:40:49 17 filtering units for domestic use; water filtering units  
14:40:51 18 for commercial use; water filtration units for  
14:40:53 19 industrial use; water treatment equipment, namely, acid  
14:40:57 20 neutralization units, faucets, faucets which meter the  
14:41:01 21 flow of water, membrane filtration units, reverse  
14:41:04 22 osmosis units, ion exchange units; air filtration units.

14:41:10 23 Q. And do they perform water purification, based on  
14:41:14 24 the goods and services listed?

14:41:15 25 A. Again, I just know what they say on this thing.

14:41:17 1 Q. Right. Which is obvious you don't know; so based  
14:41:20 2 on what they say, does it seem like they do some sort of  
14:41:24 3 water purification?

14:41:25 4 A. Again, they do water conditioning units, it looks  
14:41:28 5 like water purifiers, water softening units, water  
14:41:31 6 sterilization units, water filtration units for domestic  
14:41:33 7 use, water filtration units for commercial use, water  
14:41:38 8 filtration units for industrial use, water treatment  
14:41:40 9 equipment, namely, acid neutralization units, faucets,  
14:41:45 10 faucets which meter the flow of water, membrane  
14:41:48 11 filtration units, reverse osmosis units, ion exchange  
14:41:51 12 units and air filtration units. That's what I know.

14:41:56 13 Q. Okay. And have you seen this mark before?

14:41:58 14 A. No, I have not.

14:41:59 15 Q. And have you considered previously opposing this  
14:42:03 16 mark?

14:42:04 17 MR. PHAM: Objection, speculation. Assumes  
14:42:08 18 facts not in record.

14:42:12 19 (BY MS. LOESCH)

14:42:12 20 Q. Mr. Butters?

14:42:14 21 A. As I said before, the first time I've seen this  
14:42:18 22 is when you presented it.

14:42:20 23 MS. LOESCH: Okay. That's nonresponsive.

14:42:22 24 Q. Can you turn to Exhibit 105. What is the word  
14:42:28 25 mark there?

14:42:29 1 A. Puronics.

14:42:30 2 Q. Would you say that's similar to Purifics?

14:42:33 3 A. Pardon?

14:42:34 4 Q. Is that mark similar to Purifics?

14:42:40 5 A. Has the first three letters being similar.

14:42:42 6 Q. Okay. Can you read the goods and services listed  
14:42:46 7 there?

14:42:46 8 A. Water conditioning units; water purifiers; water  
14:42:50 9 softening units; water sterilizing units; water  
14:42:53 10 filtering units for domestic use; water filtering units  
14:42:57 11 for commercial use; water filtering units for industrial  
14:43:01 12 use; water treatment equipment, namely, acid  
14:43:04 13 neutralization units, faucets, faucets which meter the  
14:43:07 14 flow of water, membrane filtration units, ion exchange  
14:43:11 15 units.

14:43:14 16 Q. And based on what they've listed there, do they  
14:43:19 17 do or do they list that they do water purification of  
14:43:21 18 some sort?

14:43:22 19 A. Just what they've got listed on the document.

14:43:25 20 Q. And have you previous to today heard of Puronics?

14:43:31 21 A. No, I have not.

14:43:32 22 Q. And have you previous to today considered  
14:43:34 23 opposing the mark or challenging the mark Puronics?

14:43:39 24 MR. PHAM: Same objections, again,  
14:43:41 25 speculation, assumes facts not in record.

14:43:43 1 A. Couldn't have previously because I've never seen  
14:43:45 2 it until you presented it today.

14:43:49 3 Q. Okay. Can you turn to Exhibit 106. What's the  
14:43:59 4 word mark on Exhibit 106?

14:44:01 5 A. Puratron.

14:44:02 6 Q. Would you say that's similar to Purifacs?

14:44:05 7 A. Again, the first three letters are similar.

14:44:09 8 Q. First three letters are identical; is that right?

14:44:12 9 A. Are similar.

14:44:14 10 Q. How are they similar as opposed to identical?

14:44:18 11 A. Different font, maybe.

14:44:20 12 Q. Okay. But the word mark itself, regardless of  
14:44:22 13 the font, the first three letters are the same, p-u-r?

14:44:25 14 A. That's what I've said.

14:44:26 15 Q. Is that correct?

14:44:28 16 A. That's what I said.

14:44:29 17 Q. Pardon?

14:44:30 18 A. That's what I have said.

14:44:31 19 Q. Okay. So the first three letters are identical,  
14:44:34 20 p-u-r?

14:44:35 21 A. Yes -- no, the first three letters are the same.

14:44:37 22 Q. Are the same. Okay. The goods and services,  
14:44:41 23 what is listed for the goods and services there?

14:44:43 24 A. Air purifiers; water purifiers.

14:44:47 25 Q. And based on that, do they do some sort of water

14:44:53 1 purification?

14:44:53 2 A. All know is the goods and surface listed are air  
14:44:57 3 purifiers, water purifiers.

14:44:58 4 Q. Okay. And have you heard of Puratron previous to  
14:45:02 5 today?

14:45:02 6 A. No.

14:45:03 7 Q. And previous to today have you considered  
14:45:05 8 opposing the Puratron mark?

14:45:08 9 A. As I said before, I haven't seen this mark until  
14:45:11 10 you presented it to me today.

14:45:13 11 MR. PHAM: Same objections as last time.

14:45:15 12 (BY MS. LOESCH)

14:45:15 13 Q. Can we turn to Exhibit 107? And what's the word  
14:45:21 14 mark on Exhibit 107?

14:45:26 15 A. Purefit.

14:45:27 16 Q. And are the first three letters identical to the  
14:45:30 17 first three letters of your mark, Purifics?

14:45:33 18 A. First three letters are similar.

14:45:35 19 Q. So the first letter is a P, correct?

14:45:38 20 A. Yes.

14:45:38 21 Q. And the first letter of your mark, what letter is  
14:45:41 22 the first letter of your mark?

14:45:42 23 A. It's a P.

14:45:43 24 Q. And the second letter of this mark is a U; is  
14:45:46 25 that correct?

14:45:46 1 A. Correct.

14:45:47 2 Q. And what's the second letter of your mark?

14:45:49 3 A. U.

14:45:50 4 Q. And the third letter here for the Purefit mark is  
14:45:55 5 an R; is that correct?

14:45:55 6 A. Yes.

14:45:55 7 Q. And what's the third letter of your mark?

14:45:58 8 A. R.

14:45:59 9 Q. Okay. And the goods and services listed on  
14:46:03 10 Exhibit 107?

14:46:04 11 A. Water --

14:46:05 12 Q. Can you read that, please.

14:46:07 13 A. Water purification units.

14:46:09 14 Q. And based on that, do you think they do water  
14:46:12 15 purification?

14:46:13 16 A. Again, it's -- I just know what it says on the  
14:46:18 17 paper. It says water purification units.

14:46:20 18 Q. Okay. And have you heard of Purefit previously?

14:46:24 19 A. No, not until you put it in front of me.

14:46:27 20 Q. Okay. So then it's safe to say that you have not  
14:46:30 21 considered opposing this mark?

14:46:36 22 MR. PHAM: Same objections as last time.

14:46:40 23 (BY MS. LOESCH)

14:46:40 24 Q. Mr. Butters?

14:46:41 25 A. I'm sorry. What was the question?

14:46:43 1 Q. It's safe to say you have not considered opposing  
14:46:45 2 the Purefit mark?

14:46:47 3 A. Again, I've not seen it until you put it forward  
14:46:49 4 in front of me today.

14:46:50 5 Q. Okay. Can we turn to Exhibit 108? And what is  
14:47:01 6 the word mark there?

14:47:04 7 A. Purica.

14:47:06 8 Q. And would you say the first four letters are  
14:47:08 9 identical to the first four letters of your mark?

14:47:10 10 A. I would say the first four letters are similar,  
14:47:14 11 the same.

14:47:15 12 Q. Okay. And can you read the third paragraph under  
14:47:25 13 goods and services where it says IC 035, after the colon  
14:47:31 14 there?

14:47:31 15 A. It says cosmetics, namely, lipstick, lipliner --

14:47:36 16 Q. No, no, I'm sorry. Under the third paragraph, IC  
14:47:41 17 035.

14:47:41 18 A. Yep.

14:47:42 19 Q. The third paragraph, it says IC 035.

14:47:46 20 A. I'm sorry. This talks about health food  
14:47:51 21 supplements. But I don't know what that -- that's

14:47:54 22 different from what I was reading before that says

14:47:56 23 cosmetics, namely lipstick, lipliner, lipgloss,

14:48:01 24 foundation, concealer, facial powders, blush, mascara,

14:48:05 25 eye shadow, eyeliner, eyebrow pencil, makeup remover,

14:48:10 1 nail polish, nail polish remover; skin care products,  
14:48:14 2 namely, skin cleansers, soap, skin masks, face cream,  
14:48:20 3 eye cream, moisturizers, hand and body lotions, salves,  
14:48:26 4 suntan lotion and cream, toner, astringents -- whatever  
14:48:31 5 they are; defoliants, bath oils, bath and shower gels,  
14:48:34 6 bubble bath, bath crystals, bath grains, bath salts,  
14:48:40 7 soaps, body scrubs, body massage oils; hair care  
14:48:44 8 products, namely, shampoo, conditioner and treatments,  
14:48:48 9 hair conditioning preparations, hair permanents, hair  
14:48:51 10 relaxers, mousse, styling and setting lotions,  
14:48:56 11 hairspray, hair thickener, glazes and textures;  
14:48:59 12 household cleaning products, namely, all-purpose  
14:49:04 13 household cleaners, dishwashing detergent, laundry soap  
14:49:07 14 and dish soaps.

14:49:08 15 Q. I'm sorry. You must not be able to hear me well.  
14:49:11 16 I'm talking about the third paragraph that starts off  
14:49:14 17 with IC 035. Do you see that?

14:49:18 18 A. Yes.

14:49:18 19 Q. Okay. So that's the one I want you to read. It  
14:49:21 20 starts off saying "retail store services."

14:49:24 21 A. Retail store services offering cosmetics, skin  
14:49:27 22 care and hair care products, health food and health food  
14:49:31 23 supplements, light fixtures, namely, full-spectrum  
14:49:35 24 lights, household cleaning products, filters, namely,  
14:49:38 25 air filters and water filters, home care products, home



14:49:41 1 accessories, books, prerecorded compact discs and DVDs.

14:49:47 2 Q. Okay. And based on this description, do they do

14:49:49 3 any water filtration or water purification?

14:49:53 4 A. They've got water filters listed in the section

14:49:56 5 IC 035. That's what I know.

14:49:59 6 Q. Okay. And have you heard of Purica?

14:50:04 7 A. No.

14:50:08 8 Q. Can you turn to Exhibit 109?

14:50:12 9 A. Puretec.

14:50:14 10 Q. And is Puretec similar to Purifics?

14:50:19 11 A. First three letters are similar.

14:50:21 12 Q. And what is the goods and services listed?

14:50:25 13 A. Industrial water treatment and purification.

14:50:29 14 Q. Does that indicate that they do some water

14:50:33 15 purification?

14:50:34 16 A. Just know what it says in the paper.

14:50:35 17 Q. And have you heard of Puretec before?

14:50:37 18 A. No, I have not.

14:50:38 19 Q. So then you haven't considered opposing the

14:50:42 20 Puretec mark at all?

14:50:43 21 MR. PHAM: Same objections as last time.

14:50:45 22 A. Again, I haven't seen the document or the name

14:50:49 23 until you put it in front of me today.

14:50:51 24 (BY MS. LOESCH)

14:50:51 25 Q. Okay. Can we turn to Exhibit 110? And what's

14:51:02 1 the mark on Exhibit 110?

14:51:06 2 A. Purac.

14:51:08 3 Q. And are the first three letters the same as the  
14:51:11 4 first three letters of your mark?

14:51:13 5 A. They are similar, yes.

14:51:14 6 Q. And how are they different?

14:51:19 7 A. It has a P and it has a U and it has an R.

14:51:23 8 Q. So that's how they are the same, correct?

14:51:27 9 A. It has a P and it has a U and it has an R.

14:51:31 10 Q. So that's how they are the same; is that correct?

14:51:34 11 A. They're similar, is what I've been saying. I  
14:51:36 12 don't know the nuances of what the differences in our  
14:51:39 13 terminology are.

14:51:40 14 Q. Okay. When I say something is the same, I mean  
14:51:43 15 they're the same. So if it has a P-U-R and your mark  
14:51:46 16 has a P-U-R, to me that's the same.

14:51:49 17 A. Okay. We have a P and we have a U --

14:51:52 18 MR. PHAM: Objection, asked and answered.

14:51:53 19 A. We have a P and we have a U and an R.

14:51:58 20 (BY MS. LOESCH)

14:51:58 21 Q. Okay. And under Goods and Services there, what  
14:51:59 22 is listed?

14:52:00 23 A. Water treatment installations, comprising one  
14:52:03 24 more of the following: Water purification plants,  
14:52:07 25 sewage and wastewater treatment system -- plants,

14:52:11 1 flocculation tanks, flotation tanks, sediment tanks,  
 14:52:17 2 filtration tanks with and without granular filter media  
 14:52:21 3 and parts therefor, construction of water and wastewater  
 14:52:26 4 treatment facility for others, engineering services  
 14:52:28 5 related to the process of water and wastewater being  
 14:52:32 6 treated at the facility of others.

14:52:34 7 Q. Okay. And based on this do you think they do any  
 14:52:38 8 water purification?

14:52:39 9 A. I just know what it says in the paper.

14:52:41 10 Q. And does it say water purification on the paper?

14:52:45 11 A. It says water treatment installations comprising  
 14:52:49 12 one or more of the following: Water purification  
 14:52:51 13 plants, sewage and wastewater treatment plants,  
 14:52:54 14 flocculation tanks, flotation tanks, sedimentation  
 14:52:59 15 tanks, filtration tanks with and without granular  
 14:53:03 16 filtration media and parts thereof, construction of  
 14:53:06 17 water and wastewater treatment facilities for others,  
 14:53:09 18 process of engineering services related to the process  
 14:53:13 19 of water and wastewater treatment being treated at the  
 14:53:17 20 facilities of others.

14:53:18 21 Q. So it says water purification; is that correct?

14:53:21 22 A. Just what I just repeated.

14:53:23 23 Q. Wait. So my question is, it says water  
 14:53:26 24 purification; is that correct?

14:53:28 25 MR. PHAM: Objection, misstates evidence in

14:53:30 1 record.

14:53:36 2 A. It says water --

14:53:37 3 (BY MS. LOESCH)

14:53:37 4 Q. Mr. Butters, is that correct?

14:53:39 5 A. It says water purification plants.

14:53:41 6 Q. Okay. And have you heard of Purac before?

14:53:45 7 A. No, I have not.

14:53:46 8 Q. It's safe to say you never considered opposing  
14:53:49 9 the Purac mark?

14:53:51 10 A. I haven't seen it until you put it in front of me  
14:53:54 11 today.

14:53:54 12 Q. Can you turn to Exhibit 111? What's the word  
14:54:02 13 mark on Exhibit 111?

14:54:03 14 A. Puroflo.

14:54:07 15 Q. And can you read the goods and services listing  
14:54:10 16 there?

17 A. (No response)

14:54:17 18 Q. Mr. Butters, can you read the goods and services  
14:54:20 19 listed there?

14:54:20 20 A. Water purification systems and accessories,  
14:54:23 21 components thereof sold as a unit with the system,  
14:54:26 22 namely, countertop water filtering units, undersink  
14:54:31 23 water filtering units, countertop reverse osmosis unit,  
14:54:36 24 undersink reverse osmosis unit, commercial reverse  
14:54:40 25 osmosis unit, water cooler, water softener unit, flow

14:54:46 1 meter, pressure regulator, auto shutoff, high pressure  
14:54:51 2 regulator, flow restrictor, membrane vessel, filter  
14:54:55 3 housing, high-capacity water filter housing, push-in  
14:55:00 4 filtering, carbon block, reverse osmosis storage tank,  
14:55:05 5 filter cartridge.

14:55:06 6 Q. And so based on that, do they do water  
14:55:09 7 purification?

14:55:11 8 A. They say water purification systems and  
14:55:13 9 accessories.

14:55:15 10 Q. All right. And have you heard of Puroflo before?

14:55:18 11 A. No.

14:55:19 12 Q. So it's safe to say that you haven't considered  
14:55:22 13 opposing the Puroflo mark?

14:55:25 14 A. I said I haven't seen it until you put it in  
14:55:27 15 front of me here just now.

14:55:28 16 MR. PHAM: Same objections.

14:55:30 17 (BY MS. LOESCH)

14:55:32 18 Q. Can you turn to Exhibit 112? What's the word  
14:55:34 19 mark on Exhibit 112?

14:55:36 20 A. Purefecta.

14:55:39 21 Q. And would you say that mark is similar to  
14:55:42 22 Purifics?

14:55:43 23 A. They are similar -- the first three letters are  
14:55:45 24 similar, yes.

14:55:48 25 Q. And the fifth letter is the same as well with the

14:55:52 1 S; is that correct?

14:55:53 2 A. You're right.

14:55:55 3 Q. And can you read the goods and services listed?

14:55:59 4 A. Water conditioning and purifying systems for  
14:56:03 5 domestic use, comprised of water filters, sterilizing  
14:56:07 6 filters, media -- membrane filters, reverse osmosis  
14:56:11 7 purifiers; drinking water filters.

14:56:15 8 Q. So do they do some sort of water purification,  
14:56:19 9 based on that mark here?

14:56:20 10 A. It says water conditioning and purifying systems.

14:56:24 11 Q. Okay. And have you heard of Purefecta before?

14:56:27 12 A. No.

14:56:27 13 Q. And it's safe to say you didn't consider opposing  
14:56:29 14 the Purefecta mark?

14:56:32 15 MR. PHAM: Again, same objections.

14:56:33 16 A. Again, I haven't seen it until you put it in  
14:56:36 17 front of me right now.

14:56:37 18 (BY MS. LOESCH)

14:56:37 19 Q. Can you turn to Exhibit 113?

14:56:39 20 A. Yep.

14:56:42 21 Q. And what's the word mark on Exhibit 113?

14:56:45 22 A. Puramax.

14:56:46 23 Q. And would you say that's similar to your mark of  
14:56:50 24 Purifics?

25 A. (No response)

14:56:55 1 Q. Mr. Butters, would you say that's similar to your  
14:56:58 2 mark of Purifics?

14:56:59 3 A. It says Puramax.

14:57:01 4 Q. Can you hear me, Mr. Butters?

14:57:03 5 A. Yes, I can.

14:57:04 6 Q. Okay. Sorry. Would you say Puramax is similar  
14:57:08 7 to your mark of Purifics?

14:57:11 8 A. I don't have an opinion at this time. I'm just  
14:57:13 9 seeing it for the first time.

14:57:15 10 Q. And based on your initial impression would you  
14:57:17 11 say it's similar?

14:57:18 12 A. I haven't formed an opinion.

14:57:21 13 Q. Okay. Are the first three letters the same?

14:57:24 14 A. Yes. They're similar.

14:57:27 15 Q. And goods and services, what is listed under  
14:57:31 16 their goods and services?

14:57:31 17 A. It says wastewater treatment and purification  
14:57:34 18 units, namely, systems for the treatment and  
14:57:37 19 purification of wastewater and effluent liquids,  
14:57:42 20 comprised primarily of fixed film and suspended media,  
14:57:47 21 anaerobic treatment units, trash or septic or primary  
14:57:51 22 tanks, filter beds, clarifiers, blower, electronic  
14:57:57 23 panels, instrumentation, pipes or structural parts  
14:58:00 24 thereof, all for single house or cluster or community or  
14:58:03 25 commercial or municipal or industrial wastewater or

14:58:08 1 effluent liquid treatments for use.

14:58:10 2 Q. And today, based on their mark, does it say they  
14:58:13 3 do any wastewater purification?

14:58:14 4 A. It says wastewater treatment and purification  
14:58:17 5 units.

14:58:18 6 Q. Okay. And have you heard of Puramax before?

14:58:21 7 A. Not until you put it in front of me.

14:58:24 8 Q. It's safe to say you didn't consider opposing the  
14:58:27 9 Puramax mark?

14:58:29 10 MR. PHAM: Same objection.

14:58:30 11 A. I haven't seen it until you put it in front of me  
14:58:32 12 just now.

14:58:33 13 (BY MS. LOESCH)

14:58:33 14 Q. Okay. Can you turn to Exhibit 114?

14:58:35 15 A. Okay.

14:58:39 16 Q. What's the word mark here?

14:58:41 17 A. Purlogix.

14:58:45 18 Q. And would you say that that's similar to your  
14:58:47 19 mark of Purifics?

14:58:50 20 A. It has the first three letters.

14:58:55 21 Q. Okay. And can you read the goods and services  
14:58:57 22 listed there?

14:58:58 23 A. Bottleless water purification system consisting  
14:59:01 24 of water purification unit, water dispenser,  
14:59:05 25 programmable microprocesser, operating software, filters



14:59:11 1 that produces potable water for domestic and commercial  
14:59:15 2 point use.

14:59:15 3 Q. And do they say that they do water purification?

14:59:18 4 A. It says bottleless water purification system.

14:59:22 5 Q. Have you heard of Purlogix previously?

14:59:25 6 A. No, I have not.

14:59:26 7 Q. Okay. So it's safe to say you didn't consider  
14:59:29 8 opposing the Purlogix mark?

14:59:31 9 MR. PHAM: Same objections.

14:59:33 10 A. I haven't seen it until you put it in front of me  
14:59:36 11 at this point in time.

14:59:37 12 Q. Can you turn to Exhibit 115, please?

14:59:39 13 A. On it.

14:59:42 14 Q. And what's the word mark there?

14:59:44 15 A. Puricom.

14:59:46 16 Q. And would you say that's similar to your mark of  
14:59:50 17 Purifics?

14:59:51 18 A. Again, the first three letters are similar.

14:59:55 19 Q. Um, are the first four letters the same?

14:59:57 20 A. Yes. Similar.

14:59:59 21 Q. And the goods and services listed there?

15:00:04 22 A. Water purification units, water purifiers,  
15:00:09 23 reverse osmosis filtration units, reverse osmosis water  
15:00:13 24 purification units, water filters, reverse osmosis  
15:00:17 25 drinking water machine, water treatment equipment,

15:00:19 1 namely, ultraviolet sterilization units. First use.

15:00:26 2 Q. And would you say based on that, that description

15:00:30 3 of the goods and services, that they do water

15:00:33 4 purification?

15:00:33 5 A. It says water purification units.

15:00:35 6 Q. And have you heard of Puricom previously?

15:00:39 7 A. No, I have not.

15:00:39 8 Q. So it's safe to say that you haven't considered

15:00:43 9 opposing the Puricom mark?

15:00:47 10 MR. PHAM: Same objections.

15:00:48 11 A. Haven't seen it until you put it front of me.

15:00:51 12 (BY MS. LOESCH)

15:00:51 13 Q. Can you turn to Exhibit 116? And what's the word

15:00:57 14 mark there?

15:01:01 15 A. Ipure.

15:01:01 16 Q. Would you say that's similar to your Purifics

15:01:04 17 mark?

15:01:04 18 A. No.

15:01:05 19 Q. And why not?

15:01:07 20 A. Starts with an I. Or a semicolon upside down.

15:01:13 21 Q. And so you consider the "I" to be part of that

15:01:19 22 mark and not the "pure"?

15:01:21 23 A. It's got a funny symbol at the front. I guess

15:01:24 24 that's a small "i."

15:01:27 25 MR. PHAM: Objection, misstates the evidence

15:01:29 1 in record.

15:01:32 2 (BY MS. LOESCH)

15:01:32 3 Q. And what is the goods and services listed there?

15:01:35 4 A. Water purification units.

15:01:37 5 Q. So based on that, do you think that they do water  
15:01:43 6 purification?

15:01:44 7 A. It says water purification units.

15:01:45 8 Q. And have you heard of Ipure before?

15:01:47 9 A. No, I have not.

15:01:49 10 Q. So is it safe to say that you never considered  
15:01:51 11 opposing the Ipure mark?

15:01:53 12 MR. PHAM: Same objections.

15:01:54 13 A. I don't know. I haven't seen it until you put it  
15:01:57 14 in front of me just now.

15:01:59 15 Q. Okay. So Mr. Butters, you said that you -- do  
15:02:04 16 you consider yourself actively protecting your mark?

15:02:07 17 A. Yes.

15:02:08 18 Q. And why haven't you opposed any of these other  
15:02:12 19 marks that are similar to your mark?

15:02:13 20 MR. PHAM: Objection, speculation, calls for  
15:02:15 21 a legal conclusion.

15:02:17 22 A. I haven't seen them until you put them in front  
15:02:20 23 of me today. I don't know if these companies are even  
15:02:23 24 operating or what they're doing in the market, if  
15:02:26 25 they're in the market. Again, I haven't seen them in

15:02:32 1 the market.

15:02:41 2 (BY MS. LOESCH)

15:02:41 3 Q. And based on what we just went through, Exhibits  
15:02:44 4 100 to 116, would you say that Puralytics is more  
15:02:50 5 similar to Purifics than these other marks?

15:02:53 6 MR. PHAM: Objection, speculation, calls for  
15:02:54 7 legal conclusion.

15:02:59 8 A. I'd have to look into that.

15:03:03 9 Q. Okay. Mr. Butters, do you have any licenses --  
15:03:08 10 have you licensed your mark to anybody?

15:03:18 11 A. Not that I recall.

15:03:28 12 Q. So I had one -- I want to go back to it one more  
15:03:33 13 time about marketing and, you know, you said you used  
15:03:37 14 representatives or consultants. Do you provide the  
15:03:38 15 marketing materials to the representatives and  
15:03:41 16 consultants, or do they develop their own marketing  
15:03:44 17 materials?

15:03:48 18 A. They -- I supply the literature and fact sheets,  
15:03:52 19 and I give them permission to use Purifics on their cut  
15:03:56 20 sheets.

15:04:01 21 Q. And what's a cut sheet?

15:04:06 22 A. That's usually an 8-1/2 by 11 document that lists  
15:04:12 23 all the products they represent or the companies they  
15:04:15 24 represent.

15:04:15 25 Q. And do you provide them a license or an

15:04:17 1 agreement -- do you have an agreement with them that  
15:04:19 2 says they can use your mark?

15:04:21 3 A. Yes.

15:04:23 4 Q. Have you produced that agreement, or any of those  
15:04:27 5 agreements for the agents?

15:04:31 6 A. No.

15:04:38 7 MS. LOESCH: Okay. I have nothing further.

15:04:40 8 MR. PHAM: All right. I'd just like to ask  
15:04:43 9 some further questions. Mr. Butters, are you okay or do  
15:04:49 10 you need a break?

15:04:51 11 THE WITNESS: I'd take a break.

15:04:54 12 MR. PHAM: Let's take a five-minute break,  
15:05:00 13 Salumeh.

15:13:21 14 (Short recess)

15:13:21 15 MR. PHAM: We are back on the record.

15:13:23 16 FURTHER EXAMINATION

15:13:24 17 BY MR. PHAM:

15:13:24 18 Q. Mr. Butters, we went through Exhibits No. 100  
15:13:27 19 through 116 that you have just finished reading. Have  
15:13:32 20 you ever worked for any of these companies that were  
15:13:36 21 listed in the Exhibits 100 through 116?

15:13:39 22 A. No, I have not.

15:13:40 23 Q. Have you ever worked with any of these companies?

15:13:43 24 A. No, I have not.

15:13:44 25 Q. Would you ever have any reason to know what any

15:13:47 1 of these companies do?

15:13:50 2 A. No.

15:13:52 3 Q. And you testified earlier that for all of the  
15:13:56 4 marks that are listed in Exhibits 100 through 116 that  
15:14:00 5 this was your first time seeing them?

15:14:02 6 A. Yes, that is correct.

15:14:03 7 Q. Could you ever consider opposing any mark before  
15:14:07 8 you even know about it?

15:14:08 9 A. No, I could not.

15:14:14 10 Q. Mr. Butters, for all of the companies listed in  
15:14:18 11 Exhibits 100 through 116, would you even know if they're  
15:14:23 12 even in your line of business?

15:14:25 13 A. No, I do not.

15:14:29 14 Q. Let's go back to the campers and campgrounds  
15:14:34 15 again. Would campers, would they be able to see your  
15:14:38 16 Purifacs product?

15:14:39 17 A. Yes.

15:14:40 18 Q. Would campers be able to use the purified water  
15:14:44 19 that came out of your Purifacs product?

15:14:46 20 A. Yes.

15:14:47 21 Q. And you mentioned before that you had an inquiry  
15:14:51 22 from a campground. How did you receive that inquiry?

15:15:04 23 A. I believe that that came through either a  
15:15:13 24 consultant or... A consultant. I believe it was  
15:15:23 25 through an engineering consultant.

15:15:27 1 Q. Now, for all of these consultants that you  
15:15:29 2 generally do business with, would they understand the  
15:15:33 3 difference between photocatalytic and other terms such  
15:15:36 4 as photolytic?

15:15:38 5 A. Generally speaking, no, they do not know the  
15:15:40 6 difference.

15:15:43 7 Q. You testified earlier about a recent ex-employee,  
15:15:52 8 Owen Egan, and you testified he was part of your  
15:15:56 9 communications and marketing. Do you know whether he  
15:15:59 10 had a science or an engineering background?

15:16:01 11 A. No, he did not.

15:16:06 12 Q. You testified earlier that you've received  
15:16:09 13 inquiries from individuals; is that correct?

15:16:11 14 A. Yes.

15:16:12 15 Q. If an individual in fact wanted to buy a product  
15:16:16 16 from you, would you ever prevent that individual from  
15:16:19 17 buying your product?

15:16:21 18 A. No, I would not.

15:16:24 19 Q. You talked earlier about -- or, sorry, let's turn  
15:16:30 20 to Exhibit 14, page 000126. And you testified earlier  
15:16:42 21 that these are your product offerings. Is this every  
15:16:46 22 product offering that you have?

15:16:48 23 A. No, it is not.

15:16:51 24 Q. You also testified earlier that the model that  
15:16:54 25 says Lab on it is for Photo-Cat L, and that it was a

15:17:00 1 smaller unit. For that smaller unit, did it have the  
15:17:04 2 word, your mark, Purifics on it?

15:17:06 3 A. Yes, it did.

15:17:07 4 Q. So for any product that you have, does it always  
15:17:10 5 have the market Purifics on it?

15:17:12 6 A. Yes, it does.

15:17:23 7 MR. PHAM: I have no further questions.

15:17:29 8 MS. LOESCH: Okay. That was less than half  
15:17:33 9 an hour. Okay. I have nothing further.

15:17:37 10 MR. PHAM: Okay. We are off the record.

15:17:39 11 (Adjourned at 3:17 p.m.)

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Deposition of Brian Butters

1	CORRECTION PAGE			
2	WITNESS NAME: BRIAN BUTTERS		DATE: 10/10/2012	
3	PAGE	LINE	CHANGE	REASON
4	21	13	. . . vehicles, on our trucks, and the internet.	To provide a complete answer as to Purifics' advertising efforts.
5	50	6	. . . components in the system are identified in the listing, which is photocatalytic technology called Photo-Cat.	To clarify what an "entire system" refers to for Purifics.
6	60	18	Yes, Photo-Cat lab is available for sale in the U.S., but this particular sale was for outside the U.S.	To clarify my answer as to a particular sale of a Photo-Cat system.
7	78	6-7	The engineering consultants that you are referring to as representatives are not a manufacturer's representative. An engineering consultant represents a potential or actual customer (the end user) and the independent manufacturer's representatives	To clarify my answer as the question was confusing and intermixed different professionals under the title of "consultant."

			represent Purifics' interests in the sale of a Purifics' system.	
8	87	11-12	Ben Buchsieb was a business consultant that I hired to establish a manufacturer's representative network for Purifics, and identify and retain the independent manufacturer's representatives.	To clarify my answer as to the type of consultant, and the tasks assigned to Ben Buchsieb.
9	88	19	Because the names are the same. Both names start the same and end the same. They're both the . . .	To clarify my answer as to why consultants would be confused.
10				
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Page: 131

SIGNATURE PAGE

I, BRIAN BUTTERS, have read the foregoing deposition and hereby affix my signature that same is true and correct, except as noted on the correction page.

B Butters  
BRIAN BUTTERS

CITY OF LONDON, PROVINCE OF ONTARIO.

~~THE STATE OF TEXAS~~ )  
~~COUNTY OF~~ )

Before me Karen Cook on this day personally appeared Brian Butters known to me [or proved to me on the oath of \_\_\_\_\_ or through Opposition # 91194706 (description of identity card or other document)] to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office this 23<sup>RD</sup> day of November, 2012.

Karen Cook  
~~NOTARY PUBLIC IN AND FOR~~  
~~THE STATE OF TEXAS~~

Karen Kathrine Cook, a Commissioner, etc.,  
Province of Ontario, for NPT LLP, Chartered  
Accountants. Expires June 12, 2014.

My Commission Expires:

\_\_\_\_\_



NSF International

## OFFICIAL LISTING

NSF International Certifies that the products appearing on this Listing conform to the requirements of  
NSF/ANSI Standard 61 - Drinking Water System Components - Health Effects

This is the Official Listing recorded on June 6, 2008.

PURIFICS ES INC.  
340 SOVEREIGN ROAD  
LONDON, ONTARIO N6M 1A8  
CANADA  
519-473-5788

Facility: LONDON, ONTARIO, CANADA

### Mechanical Devices

Trade Designation	Size	Water Contact Temp	Water Contact Material
Photocatalytic Reactor Membrane System Photo-Cat PW <sup>[1]</sup>	[2]	CLD 23	MLTPL

[1] Photo-Cat PW refers only to the photocatalytic reactor technology consisting of the reactor tube, lamp and quartz lamp tube, seal plug, snap ring, ceramic membrane element, ceramic membrane element housings, and the gaskets associated with these parts. Aerioxide® TiO<sub>2</sub> P 25 from Degussa is the only titanium dioxide approved for use with this product. Maximum use level is 75 grams of TiO<sub>2</sub> per Photo-Cat PW reactor assembly. Photo-Cat PW reactor assembly Certified for a minimum of eight 1 1/4" x 5' reactor tubes and one ceramic filter.

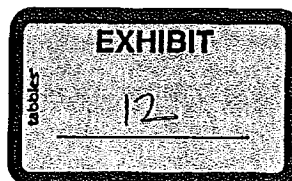
[2] Certified for a minimum flow of 33,600 L/day.

Note: Additions shall not be made to this document without prior evaluation and acceptance by NSF International.

1 of 1

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4J270



PURIFICS 000058

*Photo-Cat proves a cost-effective method for remediating organic toxics*

## New remediation technology uses titanium dioxide, light to destroy contaminants in water

by Mary DeSena U.S. Water News  
LONDON, Ontario — Titanium dioxide is an inert, harmless compound that possesses special properties as a catalyst.

"Researchers have known this since the early 1970s," said Brian Butters, President of Purifics Environmental Technologies, Inc., makers of Photo-Cat® water treatment systems.

"But they could never commercially recover the compound once it was mixed with water."

Butters' company has changed all that. Founded five years ago, Purifics' engineers developed a patented process that makes the titanium dioxide — a white substance found in such ordinary products as sunscreen and white paint — completely recoverable.

Photo-Cat® machines use titanium dioxide in tandem with ultraviolet light, which excites the catalyst, to oxidize or reduce contaminants, leaving no accumulated waste. The process renders toxic wastewater crystal-clear and harmless to the environment. Purifics' Photo-Cat process treats a

ing new supplies of the catalyst. A five-gallon drum of the substance is essentially a life-time supply, he said, because the system needs only a few cups to operate.

Once given the opportunity to demonstrate, Photo-Cat's effectiveness, Purifics rarely fails to capture a contract, according to Butters, who

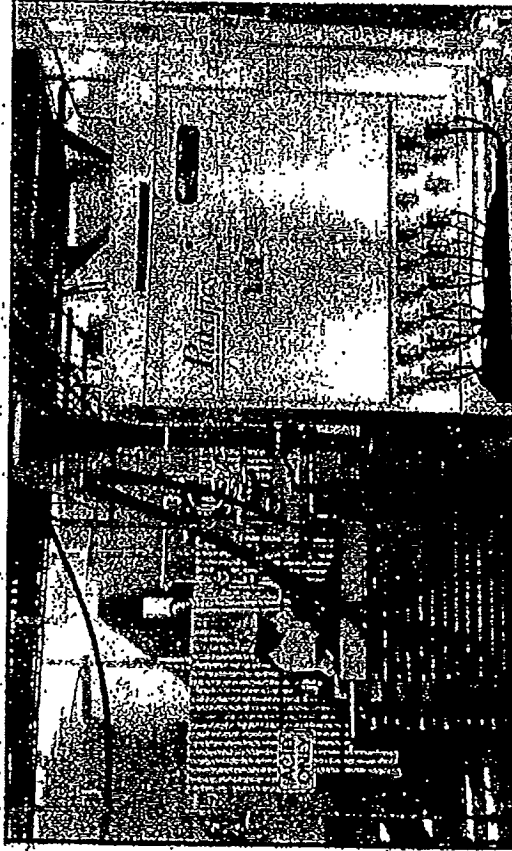
ters. "Contaminated water is pumped into the machine, and after 30 to 120 seconds it leaves the system."

The process can be run on demand, and also includes computerized controls, or a SCADA system (System Control and Data Acquisition) that is used to monitor, control, and log data of the system for each client's particular needs. This system can report if a well is running dry, for instance, and be programmed to turn off automatically, and turn on again when the well has recovered.

With a SCADA system, the entire remediation process can be used very effectively in remote locations, and can be unmanned, except for occasional inspections.

"Our system is designed to deal with the total organic load," said Butters. "The volume of water to be pumped, or the exact composition of the organic contaminants are minor considerations. What is critical is the maximum organic load. That's how we size the system."

Cleaning with light. Purifics technology is used at the Motco Superfund site near Texas City, Texas where chlorinated organics are removed from groundwater around the clock in a pump-and-treat application. Purifics Inc. photo



Butters explains that at this point, the system is designed for industrial applications, not commercial or residential use. Purifics offers clients a lease/buy combination to make the system even more affordable, and adaptable to individual needs.

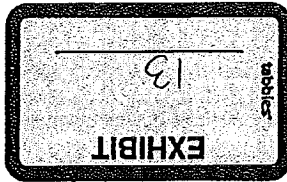
"Clients can lease 100 percent of this equipment, if necessary," said Butters, who adds that the equipment is "robust," designed for at least a 30-year life span. Since our reactors are solid state, with very few moving parts, they need very little maintenance. This gives Photo-Cat machines high reliability in the field."

Butters said the company cut its teeth on some of the most difficult remediation problems ever tackled.

"Now we're finally getting a crack at the easy stuff," he said, the PCBs, the TCEs, and BTEXs.

"Our first commercial application was a Superfund site in Texas," he said, "the Motco site, which contained chlorinated organics. We did not have a lot of familiarity with that site, but we came out of the blue and snatched the job from an established competitor, saving our clients over \$1 million in pretreatment equipment, and automating a remediation process which was scheduled as a 30-year manned site."

"We also exceeded discharge requirements by a factor of 10," he said. "Typically, we offer competitive systems for one-third to one-quarter the cost of conventional systems."



toxins, pesticides, and herbicides to chelated (organic) metals, as well as TCE (used in dry cleaning fluids) PCBs, and such common toxics as benzene, toluene, and vinyl chloride. The company has already successfully treated over fifty toxic organic compounds, providing cost-effective treatment to clients in charge of Superfund sites, for example, that had long defied clean-up. Water used in the nuclear industry is also on their treatment list.

"We offer a cost-effective alternative to a number of common processes on the market," said Butters.

These, he said, include advanced oxidation processes such as UV peroxide, UV ozone, or air strippers with off-gas treatment, as well as activated carbon. Purifies' Photo-Cat process also cleans scrubber effluent, eliminating the need to get rid of contaminating water that would otherwise build up and have to be disposed.

"Our system runs 24 hours a day, 7 days a week," said Butters. "It's completely automated, and requires very little maintenance."

Since the titanium dioxide is completely recovered, it lasts at least one year, he explained. Some systems have run longer than 2 years before need-

ing treatment, said Butters.

At one Superfund site, for example, Butters said Purifies removed all the pre-treatment technology commonly used by competitors, including the flocculation process, dewatering, and several other standard pre-treatment processes.

"That eliminated about 75 percent of the cost of the treatment-train," said Butters. "The challenge we face in the bidding process is that most people assume pre-treatment is necessary. But when we do an on-site treatment test, that usually takes care of the question."

Butters says Purifies is working hard to educate people on this point.

The company may use an enclosed coalescer on occasion, he said, to remove free-standing oil. The Photo-Cat process takes care of the dissolved portion, but it makes the process more efficient to get rid of free-standing oil first, he said.

Since the process does not require buffer tanks or equalization tanks, which formerly had to be used, contaminants do not seep into the air. This makes possible the elimination of yet another treatment-train, said Butters.

"With Photo-Cat, you end up with a much smaller footprint," said But-

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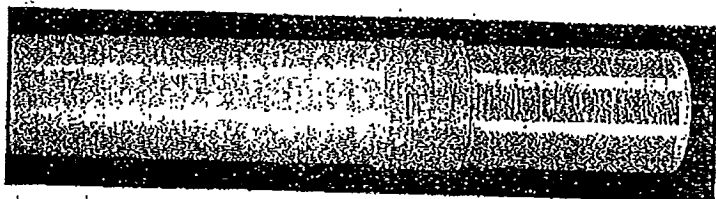
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### Overview

### Company Profile

### Mission

### Careers

## Unique Technology Solutions

- ... to purify, condition and control water & air
- ... with significant economic & environmental advantages
- ... that eliminate risk
- ... reduce legacy waste & operator exposures
- ... minimize regulatory issues

## Success & Competencies

... a track record of solving challenges where others have failed, by applying expertise through integration of our core Engineering competencies:

- Environmental Systems
- Expert Systems
- Energy Systems

## Fields of Application

- Municipal
- Industrial
- Remedial



## MEDIA CENTER

### WHAT'S NEW

### Purifics Educational Series

### Advanced Oxidation

### Process+ Webinar

February 24, 2011

### PHOTO-CAT System Supplies Drinking Water at Rural School

### Purifics Awarded Contract to Treat Water from Soil Washing

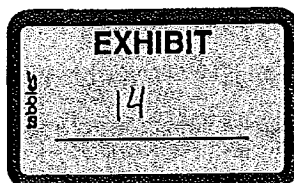
### Purifics to Clean Up 1,4-Dioxane at Superfund Site

### Purifics Receives SDTC Funding for Oil Field Technologies

### Purifics Flourishes Globally - London Free Press

### Premier Dalton McGuinty Visits Purifics for Earth Day

### PCB Destruction





in Municipal  
Waste Water

Media Releases

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# Purifics® Water & Air Purification

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Municipal

## Overview

Revolutionizing water certainty;

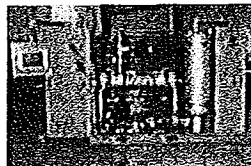
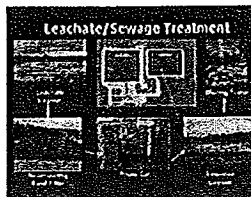
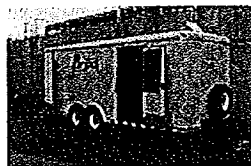
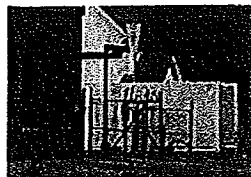
## Multi Barrier

With unique treatment systems for:

## Solutions

## Systems

- Potable
- Reuse
- ASR - Aquifer Storage Recovery
- RO Pretreatment
- Disinfection
- MBR Effluent Polish
- Recharge
- Tertiary
- Leachate



Chemical free treatment for destruction or removal of:

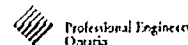
- Micro Contaminants (EDC)
- Biologicals
- Viruses
- Particulate > 12nm
- Metals
- Color
- Odor

Photo-Cat;

Multi Barrier process utilizes AOP, UV and Ceramic Membranes to achieve sustainable economic and environmental advantages featuring:

- Chemical Free Treatment
- No Reject Stream
- Lower Capital and O&M Costs
- Reduced Complexity

## AFFILIATIONS



PURIFICS 000122

- No Chemical Oxidants

Certifications & Third Party  
Validation:

- NSF/ANSI 61 Certified

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PURIFICS 000123

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## Overview

## Solutions

## Systems

### Industrial

Unique treatment systems to solve purification needs for:

- Process Water
- Ground Water Remediation
- Leachate Treatment
- Resource Reclamation

Our systems remove or destroy the following contaminants:

- Chemicals
- Biologicals
- Particulate > 12nm
- Metals

Our technology achieves sustainable economic and environmental advantages featuring:

- Destruction of Contaminants
- Lower Capital and O&M Costs
- Reduced Complexity
- Elimination of Chemicals



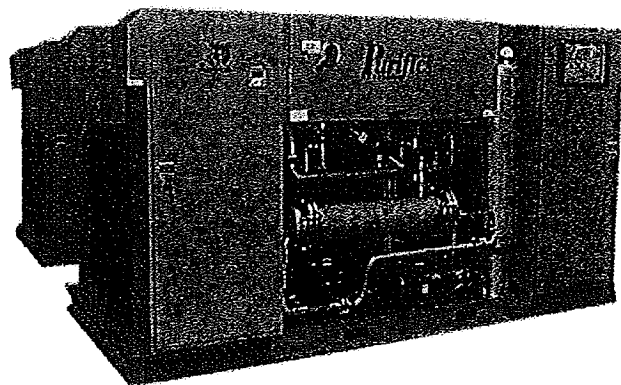
## AFFILIATIONS



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# Purifics<sup>®</sup> Water & Air Purification

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Purification](#)[Photo-Cat Water Purification](#)[Ceramic  
Membrane  
Systems](#)[OILS -  
Inline Separation](#)[PET - VOC  
Extraction &  
Recovery](#)

## Photo-Cat Water Purification

Destroys or removes chemicals, biologicals and particulate in water.

[Learn more >>](#)



## Ceramic Membrane Systems

With no consumables.

[Learn more >>](#)



## OILS for Oil Inline Separation

Separates non-aqueous phase liquids (NAPL) from water.

[Learn more >>](#)



## PET: VOC Extraction & Recovery

Recovers VOC's and SVOC's in air and VOC's in water.

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PURIFICS 000125

# Purifics Water & Air Purification

Since 1971

Home Municipal Industrial Technology Expertise Solutions

## Contact Us

## Photo-Cat

## Overview

Photo-Cat purifies water of chemicals, biologicals and certain metals to very high standards of purity.

## Photo-Cat Purification

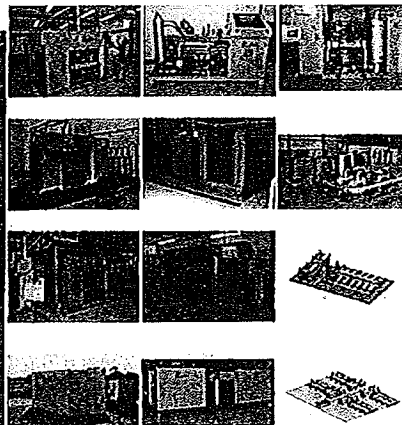
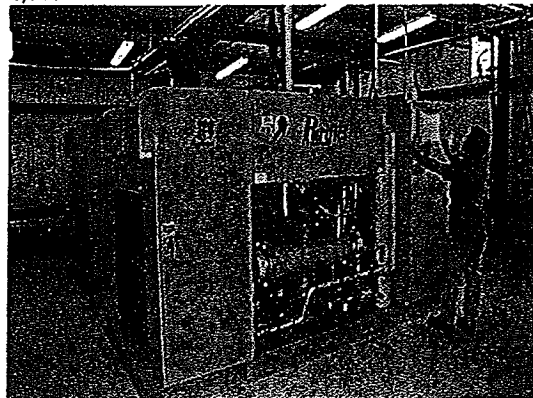
Photo-Cat systems will treat water with a wide range of organics and concentrations, suspended oil, turbidity, high levels of total dissolved solids, and metals. These systems are fully automated, and DO NOT require chemical oxidants.

## Ceramic Membrane Systems

## OILS - Inline Separation

## PET-VOC Extraction & Recovery

## 1,4-Dioxane



## Features & Benefits

- No peroxide or ozone
- Efficient
- Low lifecycle cost
- Reduced risk
- Pump controls
- Supports sustainable development
- System sizes range from 1 L/day (1 gal/day) to 120 MLD (30 MGD)
- Low cost solution development
- Fully automated
- No operator required
- Remote monitoring & control
- No waste generated
- Up to 24,000 hour lamp life



## Municipal Models

### Lab



### 0.5 MGD



### Multi-MGD



## Industrial Models

### DL: 5-50kW



### DDL: 10-100kW



### DQL: 0-330kW



## Specifications

Photo-Cat is produced to meet the specifications of a variety of clients in remediation,

PURIFICS 000126

industrial, nuclear, military, pharmaceutical, potable, metals removal, process and laboratory applications.

These specifications can include NSF certification, food grade construction, pressure vessel certification, leak proof designs, customer specific materials of construction, specific instrumentation, performance factors, durability, and wash-down capability.

#### Case Histories

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## Overview

## Photo-Cat Purification

## Ceramic Membrane Systems

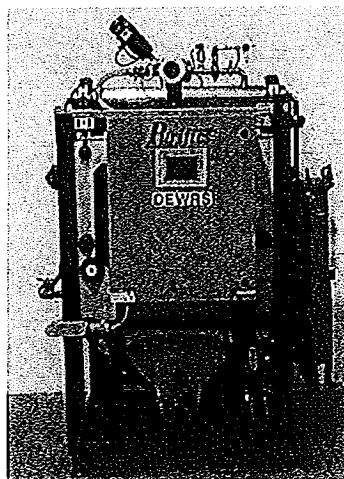
## OILS - Inline Separation

## PET - VOC Extraction & Recovery

## Ceramic Membrane Systems *A Leap Beyond the Conventional*

### Applications:

- Removal of micron and submicron particles with no consumables
- Dewatering
- Boiler feedwater preparation
- Polish iron/manganese/silica from drinking water
- High ppm iron removal
- TOC reduction
- Remove Giardia, Cryptosporidium & Oocysts
- Contaminant removal from water
- High Purity Water
- H<sub>2</sub>O<sub>2</sub> Removal



### Features & Benefits

- 5-10psi Operating Pressure Differential
- Fully Automated
- Robust: Not Vulnerable to Fatigue Failure or Abrasion
- No Cleaning - No Chemicals - No Replacement
- Designed to Meet Boiler Pressure Vessel Code (150psi rating)
- Low Lifecycle Cost
- Essentially 100% duty

### Case Histories

[Top](#)

### Innovative Uses:

PURIFICS 000128



- Photocatalysis (AOP)
- Emerging Contaminant Destruction
- Elimination of bio-fouling without disinfectant
- Dynamic Membranes
- Replacement of hydrogen peroxide in AOP processes
- No cleaning requirement or chemicals
- Continuous duty & no service requirement

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### OILS

#### Oil Inline Separation

## Overview

## Photo-Cat Purification

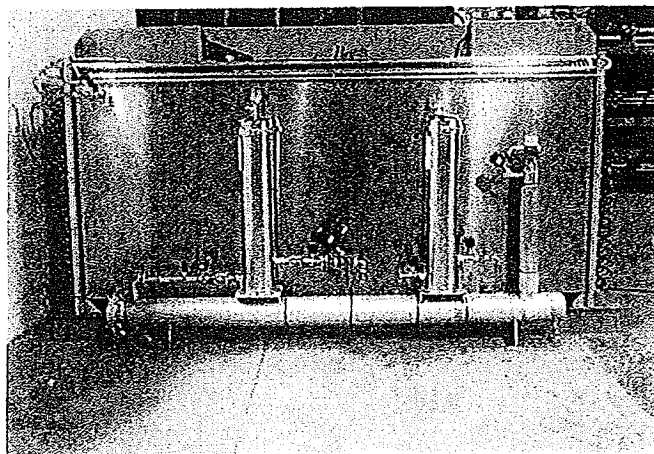
## Ceramic Membrane Systems

## OILS - Inline Separation

## PET - VOC Extraction & Recovery

OILS is an automated, solid-state device that is installed in a waterline to separate both light (L) and dense (D) non-aqueous phase liquids (NAPL) from water. This coalescer device will remove free or mechanically emulsified oils.

Typical applications are industrial wastewater and groundwater treatment for oils, fuels, acetone (PCB), and other solvents.



## Features & Benefits

- Fully automated operation and maintenance free process (only requires annual inspection)
- Eliminates facility cost, hazardous classification, and hazards of traditional technology
- Enclosed process eliminates off-gassing and the need for air treatment and air permits
- Recovery of free and mechanically emulsified NAPL even in the presence of surfactants (limited capability on chemically emulsified)
- No moving parts, completely driven by line pressure therefore no additional pumps are needed
- Can be built to Class 1 / Div 1 and Class 1 / Div 2 and non-hazardous locations

## Case Histories

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### Overview

### Photo-Cat

### Purification

### Ceramic

### Membrane

### Systems

### OILS -

### Inline Separation

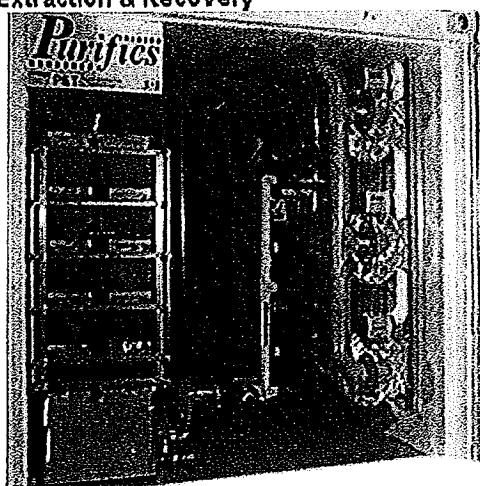
### PET - VOC Extraction & Recovery

### PET: VOC Extraction & Recovery Technology

PET is a technology for the treatment of VOC's and SVOC's in air and VOC's in water.

The PET system is an adsorption and desorption process for treating high volume with low or high contaminant concentration. The system is capable of complete recovery or destruction of the VOC, depending on the client's requirements.

#### PET - VOC Extraction & Recovery



### Features & Benefits

- Closed air loop with zero discharge
- No air permitting
- Very low operating costs
- Can be used with explosive and non-explosive gases
- Not affected by chlorides, temperature, debris or TDS
- Rapid in-situ regeneration
- No hydrolysis
- Small footprint

### Case Histories

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PURIFICS 000131

# Purifics Water & Air Purification

Home Municipal Industrial Technology Export/Import Solutions

[Contact Us](#)

[Expertise](#)

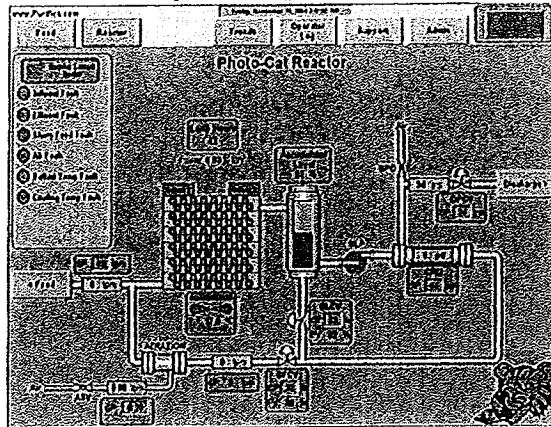
[Overview](#)

[Expert Systems](#)

[Energy Systems](#)

[Engineered Systems](#)

## Automation & System Integration

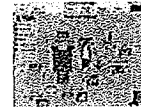


## Expert Systems

[Top](#)

### Automation & System Integration

Automation expertise and software engineering provided by Purifics empowers engineers, managers, and operators to achieve their goals of reliability, flexibility, cost reduction, and quality assurance/quality control. From the design of industrial networks, SCADA systems, and controls philosophies to implementation and worldwide support, Purifics delivers solutions to fit your process or production challenges. [Expanded Details >>](#)



## Energy Systems

[Top](#)

Purifics offers a range of solutions for the management of energy transfer that is customized to meet each client's unique requirement. Energy systems are a critical component in almost every industrial process, and often become a design afterthought. We feel this is an integral part of the efficient design of a *pure* solution. Types of Energy Transfer solutions offered include:

- Stills
- Steam Air Heaters
- Specialty Furnaces
- Water Coolers
- Other Specialty Designs



## Engineered Systems

[Top](#)

### Packaged Systems

Purifics offers pre-engineered water treatment systems in engineered enclosures. These self-contained systems reduce risk, eliminate costs,

PURIFICS 000132

and expediate success. This turn-key, totally enclosed design is clean and does not generate any air emissions. The enclosures are spacious, well lit and feature built-in ventilation and heating for all-weather conditions, to provide added comfort for the system operators. Whether a lease or purchase, short term or long term site operation, these engineered enclosures are readily available and quickly operational... just *add power*.



#### Fluid Management

Purifics has the expertise to design custom engineered fluid distribution, measurement & control systems. We offer several types of fluid management equipment, including but not limited to:



- Photo-Cat
- Pumps
- Manifolds
- Tanks
- Chemical Feed
- Filters
- Fines Removal System
- Inline Coalescers

#### Onsite Verification

Each clients requirements are unique; as such, we provide comprehensive site assessment and testing. We can readily deploy our mobile testing facilities to even the most remote locations.



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# Purifics® Water & Air Purification

Since 1993

Home Municipal Industrial Technology Export/ISO Solutions

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Installed Solutions

[Overview](#)

Purifics base of installed solutions span a number of different areas. Our advanced systems have solved many unique challenges in North America and throughout the world, as sampled below.

[Municipal](#)

**Municipal - ASR Disinfection**

[Industrial](#)

[Remediation](#)



## Municipal

[Top](#)

[Photo-Cat Performance in ASRs](#)

Packaged solution for chemical free conditioning and control of ASR wells in both the storage and recovery functions...

[Sustained Drinking Water Treatment](#)

Photo-Cat meets and exceeds all treatment requirements with no membrane cleaning requirement...

[Water Purification for Potable & Reuse](#)

Chemical Free, Multi Barrier Purification in One Unit Operation...

[Water Reuse](#)

Study of Innovative Treatments for Reclaimed Water, funded by the WaterReuse Foundation and others...

[Leachate/Sewage Treatment to Reuse](#)

New Technology

## Industrial

[Top](#)

[Aircraft Depainting Fluid Treatment](#)

A green purification process for aircraft wash water treatment...

Lowest life-cycle cost for purification of

PURIFICS 000134

② [High Purity Water Purification](#)

heavy water (D<sub>2</sub>O) with full water recovery...

② [Industrial Process Water](#)

Particulate separation with complete product recovery and water reuse at a stone cutting & grinding operation...

② [USN Naval Surface Warfare Center, Maryland](#)

Destruction of nitroglycerine air emissions from propellant annealing operation with reuse of purified air stream...

**Remediation**

[Top](#)

② [Photo-Cat Destruction of 1,4-Dioxane](#)

Treatment of 1,4-dioxane in groundwater using Photo-Cat...

② [EPA Superfund Site, Texas](#)

Heavy oil and coal tar treatment from crude oil refineries...

② [2,4-D Lagoon & Ground Water](#)

Pesticide destruction; Photo-Cat success where other technologies failed...

② [Solvents in Groundwater \(TCE\)](#)

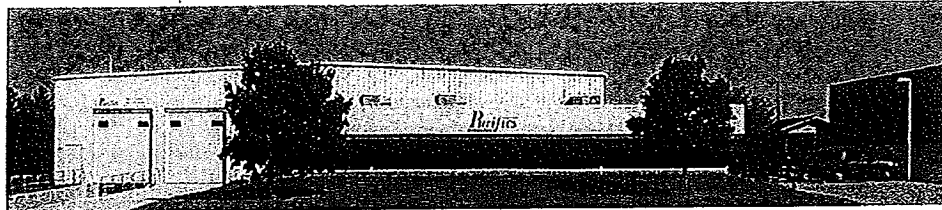
Treating 30,000 gallons of water/day from three wells with integrated oil & grease recovery system...

② [Coal Tar Gasification Site](#)

Packaged solution for old coal tar gasification site with coal tar leaking into river...

[Contact Us](#)[Company Profile](#)[Home](#)[Company Profile](#)[Mission](#)[Careers](#)

Purifics is a licensed engineering firm and a knowledge based business. Since 1993, we have been providing unique engineered systems, solutions and products for industry and government. Our 18,000 sq. foot facility features modern offices, production facilities, laboratory and automation departments.



Our unique toolbox of know how, experience and proprietary technologies enable us to design and manufacture solutions that support sustainable development. We focus on low life cycle cost, reducing complexity and minimizing risk. Our product pedigree was initiated by solving difficult challenges for the nuclear industry; a business practice that continues to this day.

From groundwater remediation to industrial process water, to wastewater, to high purity water, to air emissions, Purifics' solutions are configured to meet the needs of virtually any fluid purification, conditioning and control problem.

Our services combine engineering, manufacturing and systems integration for a packaged, *Pure* Solution.

**Distinctive Merits**

- Knowledge based business
- Leading edge technology toolbox
- Success where others have failed
- Solution Philosophy
  - Low life cycle cost
  - Low risk solutions
  - Reduced complexity
  - Reduced consumables
  - Integrated product

[Contact](#) Purifics to learn more.

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Contact Us

Mission

Home

Unique Technology

*... to purify, condition and control water & air.*

Company Profile

The first step in providing a solution is for Purifics' Engineering team to accurately assess the client requirements and select the best technology we can offer to meet those needs.

Mission

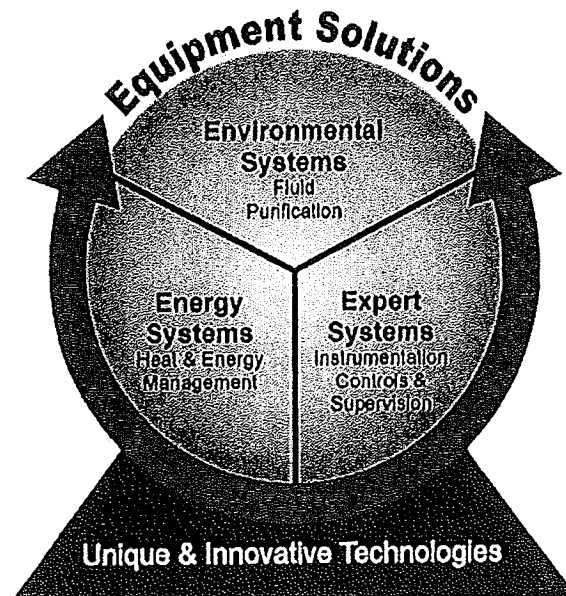
Careers

Achieve Solutions

*... with significant economic and environmental advantages.*

Our Solutions are developed by applying our expertise and unique technology in areas of fluid purification, heat & energy management, and automation & controls.

Over the years we have developed a product offering unmatched by others in the market; this, coupled with our outstanding design capabilities, engineering services and production makes Purifics the obvious choice for quality engineered solutions.

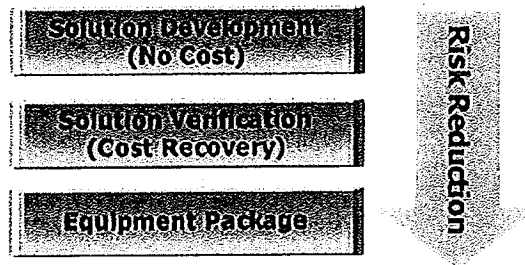


Eliminate Risks

*... with products, processes and solutions that promote sustainable development, prevent waste, reduce risk and minimize regulatory issues.*

PURIFICS 000137

Purifics believes that our customers come first. This is why the initial stage of identifying a solution is provided at NO COST.



Contact our Applications Engineers to learn more.

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# Purifics Water & Air Purification

Home Municipal Industrial Technology Expertise Solutions

Contact Us

Contact Us

[Media Center](#)

[Portals](#)

**Corporate:**

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340 Sovereign Road

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Canada

Tel: 519-473-5788 Fax: 519-473-0934

Email: [info@Purifics.com](mailto:info@Purifics.com)

Website: [www.Purifics.com](http://www.Purifics.com)

**For Applications Engineering:**

Tony Powell, P.Eng., Applications Manager

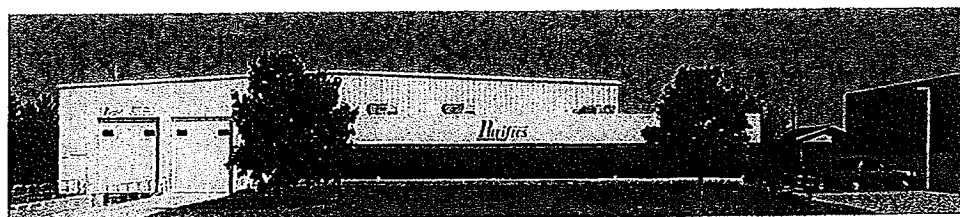
Email: [tpowell@Purifics.com](mailto:tpowell@Purifics.com)

**For Business Development:**

Brian Butters, P.Eng., President

Email: [bbutters@Purifics.com](mailto:bbutters@Purifics.com)

**For Regional Representatives:**



## Directions

- [For detailed directions... Google Maps](#)
- [London, Ontario -- Restaurants, Accommodations, Attractions](#)

## Airports by Proximity:

- [London International Airport \(local\)](#)
- [Hamilton International Airport](#)
- [Toronto Pearson International Airport](#)
- [Flint Bishop International Airport](#)
- [Detroit Metropolitan Wayne County Airport](#)
- [Buffalo Niagara International Airport](#)

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PURIFICS 000139

# Purifics® *Water & Air Purification*

Home Municipal Industrial Technology Exportiso Solutions

## Contact Us

### Events

### Media Releases

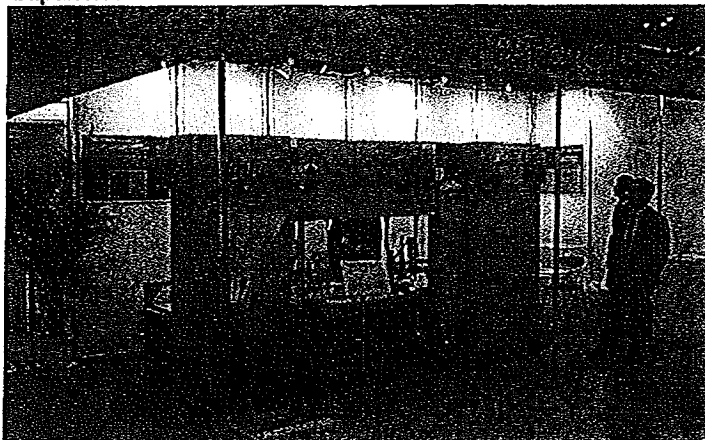
## Pending Events

- NWRI Managed Aquifer Recharge Symposium  
January 25-26, 2011 - Irvine, CA  
Visit the Purifics & California Environmental Controls Booth
- NYWEA Annual Meeting  
February 6-8, 2011 - New York, NY  
Visit the Purifics & Troup Environmental Alternatives Booth
- Texas Water 2011  
April 5-8, 2011 - Fort Worth, TX  
See us at Booth #639
- 84th Annual AZ Water Conference & Exhibition  
May 4-6, 2011 - Glendale, AZ  
Visit the Purifics booth
- ACE11 - AWWA Annual Conference & Exhibition  
June 12-16, 2011 - Washington, D.E.  
See us at Booth #2206
- 26th Annual WaterReuse Symposium  
September 11-14, 2011 - Phoenix, AZ  
Visit the Purifics booth
- WQTC - AWWA Water Quality Technology Conference & Exposition  
November 13-17, 2011 - Phoenix, AZ  
Visit the Purifics booth
- 2011 Potable Reuse Conference  
November 13-15, 2011 - Hollywood, FL

## Past Events

PURIFICS 000140

### Japan 2003



- ICOSSE'11  
January 9-13, 2011 - Tuscon, AZ  
Purifics is a sponsor.
- Water Opportunities 2010  
November 22, 2010 - Mississauga, ON
- Tri-State Seminar On-The-River  
September 28-30, 2010 - Primm, NV  
See California Environmental Controls at Booth #121, 123, 605
- New York Section AWWA 2010 Tift Symposium  
September 21-22, 2010 - Verona, NY  
See Troup Environmental Alternatives at Booth #6
- NYWEA Watershed Science and Technical Conference  
September 15-16, 2010 - West Point, NY  
See Troup Environmental Alternatives
- 25th Annual WaterReuse Symposium  
September 12-15, 2010 - Washington, DC  
See us at Booth #10
- ACE10  
June 20-23, 2010 - Chicago, IL  
See us at Booth #238
- 14th Annual Water Reuse & Desalination Research Conference  
May 24, 2010 - Tampa, FL
- Environment Industry Day  
May 18, 2010 - Toronto, ON
- AZ Water Association 83rd Annual Conference & Exhibition  
May 5-7, 2010 - Glendale, AZ  
See us at Booth #95

PURIFICS 000141

- CONRAD - Canadian Oil Sands Network for R&D - 2010 Water Usage Workshop & Seminar  
April 21-22, 2010 - Edmonton, AB  
Presentation: Treatment of SAGD Water for Oil, TOC and High Molecular Weight Organics, Wednesday, April 21, 1:00 - 1:30 PM
- Texas Water 2010  
April 11-16, 2010 - Corpus Christi, TX  
See us at Booth #906
- Wind-Water-Sun Renewable Technologies Conference  
March 2, 2010 - London, ON  
See us at Booth #1, and presentation during the Water Opportunities Panel 2:40 - 3:00PM
- OWWA/OMWA Annual Conference & Trade Show  
May 3-5, 2009 - Toronto, ON  
See us at Booth #433/435
- AWWA - 10th Biennial Membrane Technology Conference & Exposition  
March 15-17, 2009 - Memphis, Tennessee  
See us and our technology at Booth #407  
Presentation: A Case Study in Potable Water Purification Using Photocatalytic / Ceramic Membrane Systems

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PURIFICS 000142

# **Advanced Oxidation Technologies**

## **Fundamental and Environmental Applications**

Hilton Hotel  
London, Ontario, Canada  
June 26, 2000

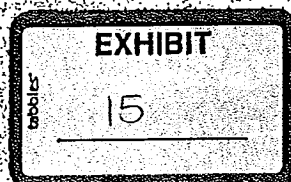
This one day workshop is held in conjunction with  
The Sixth International Conference on Advanced Oxidation Technologies  
for Water and Air Remediation (AOTs-6)  
&  
The Fifth International Conference on  $\text{TiO}_2$  Photocatalytic Purification and  
Treatment of Water and Air ( $\text{TiO}_2$ -5)

### **Sponsors**

Journal of Advanced Oxidation Technologies, London, Ontario, Canada  
Matrix Photocatalytic Inc., London, Ontario, Canada  
Purifics Environmental Technologies Inc., London, Ontario, Canada  
Science & Technology Integration, Inc., London, Ontario, Canada  
Trojan Technologies Inc., London, Ontario, Canada

### **Correspondence**

Science & Technology Integration, Inc.  
The University of Western Ontario Research Park  
100 Collip Circle, Suite 110  
London, Ontario N6G 4X8, Canada  
Phone: (519) 858-5055; Fax: (519) 858-5056  
E-mail: [hussain@alekabi.com](mailto:hussain@alekabi.com)



PURIFICS 000152

## **Advanced Oxidation Technologies: Fundamentals and Field Applications**

- 08:30 - 09:15 a.m.    **Recent Activities of TiO<sub>2</sub> Photocatalysis in Japan**  
Akira Fujishima, *University of Tokyo, Tokyo, Japan*
- 09:15 - 10:00 a.m.    **Application of TiO<sub>2</sub> Photocatalysis to Building Materials**  
Kazuhito Hashimoto, *University of Tokyo, Tokyo, Japan*
- 10:00 - 10:30 a.m.    **Coffee Break**
- 10:30 - 11:15 a.m.    **TiO<sub>2</sub> Photocatalysis-Based Self-Cleaning Materials**  
Pierre Pichat, *CNRS, Photocatalyse, Catalyse et Environnement, Lyon, France*
- 11:15 - 12:00 noon    **Recent Development of Gaseous Pollution Control Technologies Based on Non-Thermal Plasmas**  
Jen-Shih Chang, *McMaster University, Hamilton, ON, Canada*
- 12:00 - 01:30 p.m.    **Lunch**
- 01:30 - 02:45 p.m.    **A Guide to In Situ Oxidation**  
Richard Brown, *ERM, Inc., Ewing, NJ, USA*
- 02:45 - 03:30 p.m.    **Integrating Chemical and Biological Oxidation: (Kinetics) Principles and Problems**  
David Ollis, *University of North Carolina, Raleigh, NC, USA*
- 03:30 - 04:00 p.m.    **Coffee Break**
- 04:00 - 06:00 p.m.    **Are Oxidation and Reduction Technologies for In Situ and Ex Situ Remediation Practical Choices?**  
**Panel Moderator:**    Richard Brown - *ERM, Inc., Ewing, NJ, USA*  
**Panelists:**    Ronald Adams - *ManTech Environmental Corporation, Chantilly, VA, USA*  
                     Michael Basel - *Montgomery Watson, Des Moines, IA, USA*  
                     Brian Butters - *Purifics Environmental Technologies, Inc., London, ON, Canada*  
                     Gabriel Cifolelli - *Roy F. Weston, West Chester, PA, USA*  
                     James J. Kang - *Dames & Moore, Santa Ana, CA, USA*  
                     Lawrence Leong - *Kennedy Jenks Consultants, Irvine, CA, USA*  
                     David Ollis - *University of North Carolina, Raleigh, NC, USA*

*The contents of this document are the sole responsibility of their authors and not of the conference organizers, sponsors or the international advisory committee.*





ENGINEERING PURITY - GIVE US YOUR PROBLEM

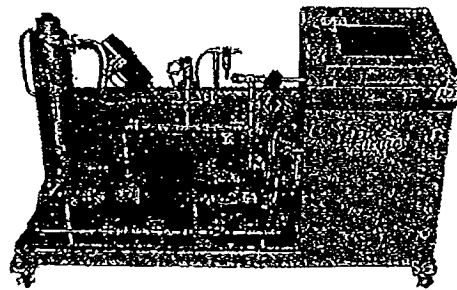
**Remediation Solutions  
on display at Brownfields 2004  
Purifics Booth #910**

**Date:** September 20-22, 2004

**Location:** St. Louis, MO - America's Center

Purifics provides unique solutions that purify air, water and soil, with environmental and economic benefits. This includes:

- ☐ Photo-Cat      air/water treatment systems
- ☐ OILS            oil/water separation
- ☐ DeWRS        dewatering and water reuse
- ☐ Expert Systems   integrated automation
- ☐ Energy Systems   conservation, transfer
- ☐ Design Build   closed loop pollution free process design



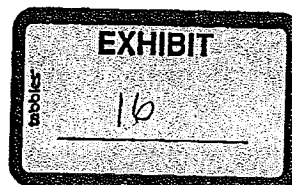
Visit our booth for a hands-on product display of our Photo-Cat technology.

To get detailed information on our solutions and services that support sustainable development and reduce greenhouse gas, visit [www.Purifics.com](http://www.Purifics.com).



[Brownfields 2004 Registration Link](#)

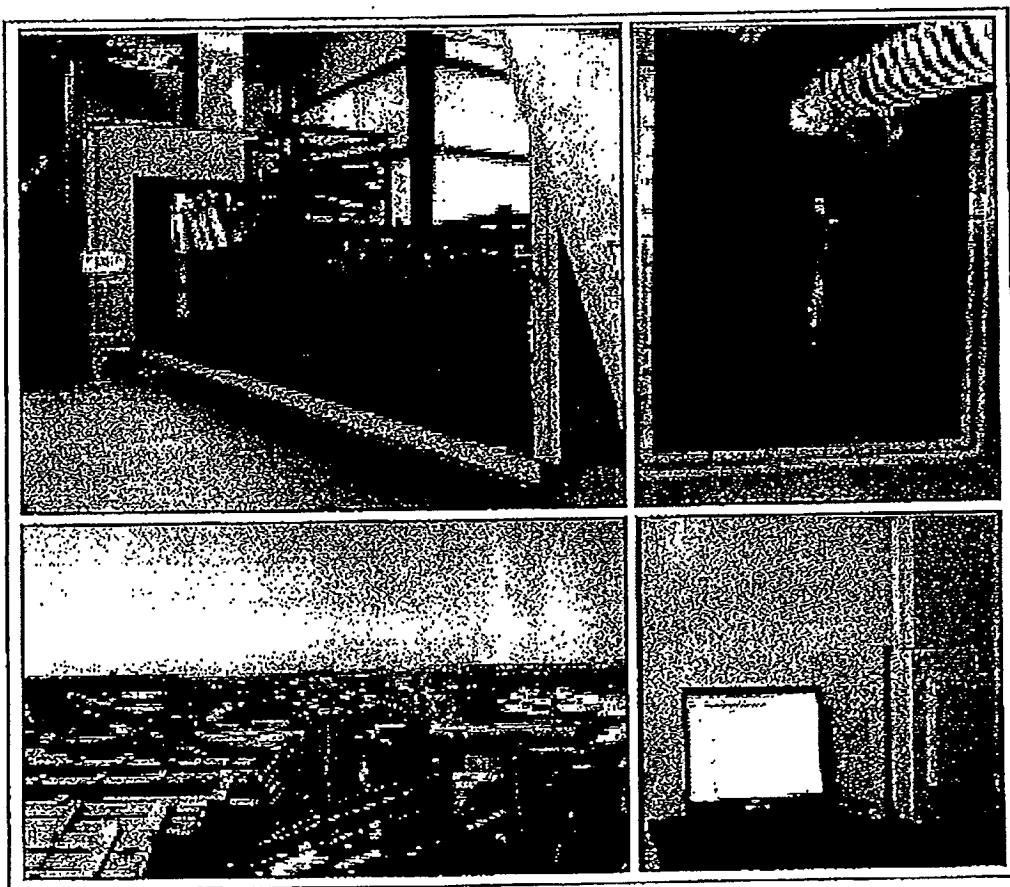
**SEE YOU THERE!**



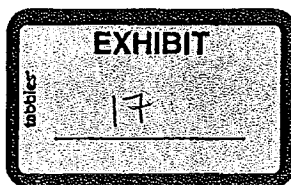
PURIFICS 000154



## 2005 Global Demilitarization Symposium & Exhibition



John Ascuaga's Nugget  
Sparks, Nevada  
Event #5580  
May 9-12 2005



PURIFICS 000157

*Wednesday, May 11, 2005*

- 7:00a.m. Late Registration & Continental Breakfast**
- 8:00a.m. Call to Order,**  
Mr. Larry Nortunen, Defense Ammunition Center
- 8:10a.m. Joint Ordnance Commanders Group Update**  
Mr. James Q. Wheeler, Chairman, Joint Ordnance Commanders Group (JOCG)  
Demilitarization/Disposal Subgroup
- 8:30a.m. Department of Defense Explosives Safety Board (DDESB) Perspective**  
CAPT William Wright, DDESB Chair
- 8:50a.m. Material Potentially Presenting an Explosive Hazard (MPPEH)**  
Mr. Samuel Dallstream, HQDA
- 9:00a.m. Exhibit Hall Opens**
- 9:10a.m. Munitions Items Disposition Action System (MIDAS)**  
Mr. Greg Olson, Defense Ammunition Center
- 9:30a.m. A New Concept for Utilization of MACS Modules**  
Dr. Thompson, Chemical Compliance Systems
- 9:50a.m. Break in Exhibit Hall**

**Session I-A**

Session Chair, Mr. Larry Gibbs, PM Demil

**10:20a.m. EBV EEC Capability To Destroy Smokes, Dyes, and Riot Control Agents,**  
Mr. Mark Zaugg, EBV Explosives Environmental Company

**10:45a.m. Demilitarization Facility - Egypt,**  
Mr. Kaylin Burnett, Tooele Army Depot

**11:10a.m. Closing the Loop on Existing Demilitarization Technologies: Solving Emissions and Waste Challenges,**  
Mr. Brian Butters, Purifics ES Inc.

**11:35a.m. Direct Combustion Technology for Aged Solid Rocket Motor Demilitarization,**  
Dr. Bangsam Park, Agency for Defence Deployment

**12:00 noon Lunch in Exhibit Hall**

**Session I-B**

Session Chair, Mr. Dan Burch, NSWC Crane Division

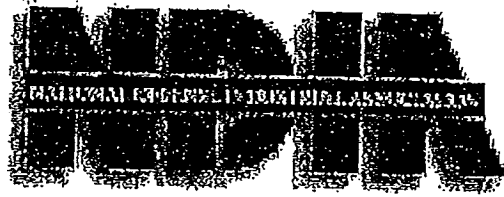
**10:20a.m. Contained Detonation Chamber Technology Update,**  
Mr. Phillip Keith, NSWC Crane

**10:45a.m. Super Critical Water Oxidation,**  
Mr. Stan Rising, Air Force Research Lab

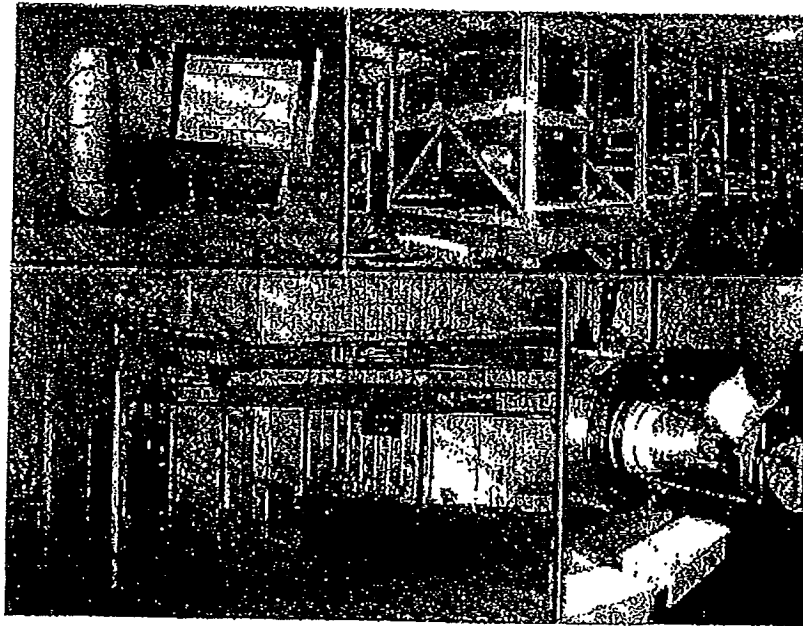
**11:10a.m. Cryofracture Demilitarization Program,**  
Mr. John Follin, General Atomics/Ms. Florence Elie, ARDEC

**11:35a.m. Propellant Stabilizer Analysis by Thin-Layer Chromatography a Fielded Technique,**  
Mr. Richard Whipple, Lawrence Livermore National Laboratory

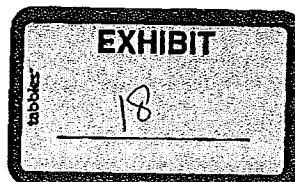
**12:00 noon Lunch in Exhibit Hall**



## 2006 Global Demilitarization Symposium & Exhibition



Indianapolis Convention Center - 100 South  
Indianapolis, IN Capitol  
Event #6580 Avenue,  
Indianapolis, IN



PURIFICS 000159

*Thursday, May 4, 2006*

Continued Concurrent Sessions

**Session V-A Sagamore 5**

Session Chair, Mr. Ed Ansell, DAC

- 10:05a.m. Closed Loop Processing of Energetics to Safely Eliminate Emissions, Mr. Brian Butters, Purifics ES Inc.
- 10:30a.m. Characterization of Particulate Emissions from Missile Motor Detonation Activities, Dr. Michael McFarland, Utah State University
- 10:55a.m. Permitting of Facilities Treating Energetic Wastes by Open Burn and/or Open Detonation, Ms. Stacy Braye, Environmental Protection Agency
- 11:20a.m. Pine Bluff Arsenal: Cleanup of White Phosphorous Canisters, Mr. Shahrukh Kanga, PIKA International Inc.

11:45a.m. Lunch

**Session VI-A Sagamore 5**

Session Chair, Mr. Greg Olson, DAC

- 1:20p.m. Propellant Stability Screening Using the APE 1995 NIR Scanner for Demil and Surveillance Ops, Mr. Terri Haskins, Geo-Centers, Inc.
- 1:45p.m. Field Identification of Explosives Using Near Infrared and other Instrumented Techniques, Mr. Lewis Kansas, SIAC
- 2:10p.m. Demilitarization of Munitions Recovered From Burial Sites Using High Production Rate Confined Detonation Chambers, Mr. Harley Heaton, UXB International
- 2:35p.m. Solutions To Demil/Disposal Challenges Demilitarization of Training Munitions and Range Residue, Mr. John Stine, UXB International, Inc.
- 3:00p.m. Break

Continued Concurrent Sessions

PURIFICS 000160

*Thursday, May 4, 2006*

Final Concurrent Sessions

**Session VII-A Sagamore Ballroom 5**

Session Chair, Mr. Josh Geary, NSWC Crane

- 3:30p.m. Requalification of Recovered HMX in DoD and  
DOE formulations, Dr. Randy Johnson,  
TPL, Inc. and Dr. Kerry Clark, NSWC
- 3:55p.m. Operational Experience in Photocatalysis:  
Treatment of Pink Water, Nitroglycerine &  
Chemical Warfare  
Agents using The Photo-Cat® Process,  
Mr. Brian Butters, Purifics ES Inc.
- 4:20p.m. Photocatalytic Destruction of Non-Stockpile  
Chemical Material Rinsate Solutions,  
Mr. Tony Powell, Purifics ES Inc.
- 4:45p.m. MIDAS Technology Trees, Mr. Chris DiLorenzo,  
Defense Ammunition Center

Continued Concurrent Sessions

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**Joint Session**

- 5:10p.m. Tour Information, Mr. John Landgraf
- 5:20p.m. Closing Session, Mr. James Q. Wheeler
- 5:30 Symposium Adjourns

# PRELIMINARY PROGRAM



The Fifth  
International  
Conference on

## Remediation of Chlorinated and Recalcitrant Compounds

May 22-25, 2006  
Monterey, California

[www.battelle.org/chlorcom](http://www.battelle.org/chlorcom)

Conference Sponsor:

**Battelle**

*The Business of Innovation*

Co-Sponsors:



REGENESIS



North Wind



PARSONS

ISOTEC

MALCOLM  
PIRNIE

CH2MHILL

EXHIBIT

19

PURIFICS 000162

ISSN 1528-2017

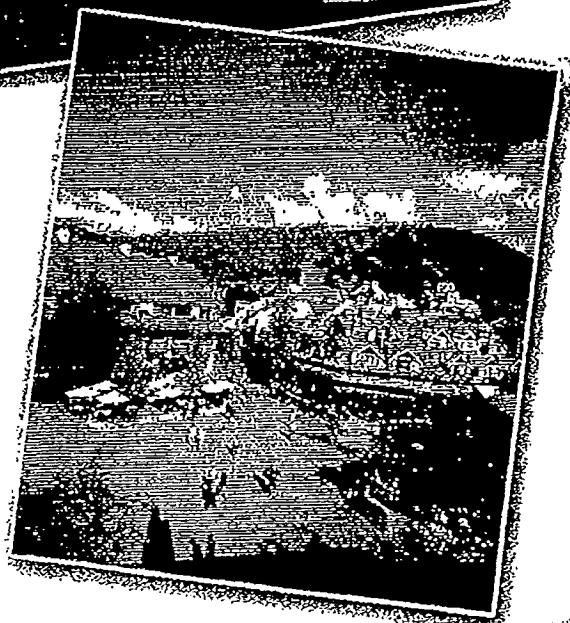
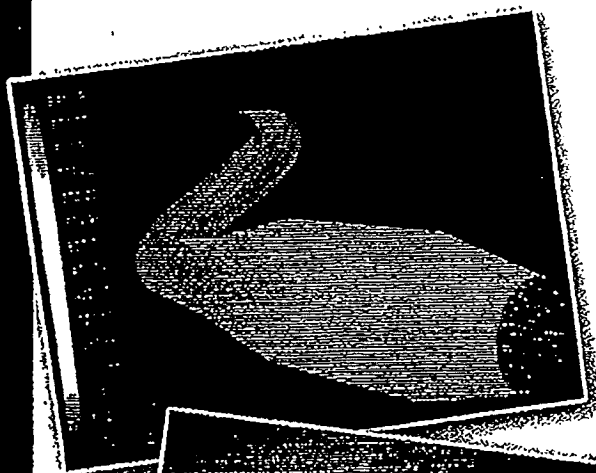
Volume 6 | No. 2 June 2004

# IUVA NEWS

ISSUE THEME

## UV Drinking Water Treatment

Safe, Clean Water  
at Low Cost



UPCOMING ISSUE: *UV Wastewater Treatment*

EXHIBIT

PURIFICS 000155

tabbics

20



# UV DRINKING WATER TREATMENT BUYER'S GUIDE

MANUFACTURERS OF UV DRINKING WATER TREATMENT UNITS					
COMPANY	LOCATION	TELEPHONE	WEB SITE	CONTACT	EMAIL ADDRESS
254 Limited	Wheatley, OX, UK	44-1865-875135	www.254limited.co.uk	Alan Bayley	alanbayley@254limited.co.uk
Abloteo Technologie UV*	Clamart, France	33 1 46 45 19 19	www.abloteo.fr	Pierre Sachoux	pierre.sachoux@abloteo.fr
Alfa UV*	Mumbai, India	91-22-5661-2300	www.alfauv.com	Ankur Parikh	ankur@alfauv.com
Access Business Group*	Ada, MI	616-787-7342	www.allicore.com	Liane Hopaluk	Liane_Hopaluk@allicore.com
Advanced UV*	Torrance, CA	310-328-0299	www.advanceduv.com	Kiyo Toma	ktoma@advanceduv.com
American Ultraviolet*	Lebanon, IN	800-288-9288	www.americanultraviolet.com	Meredith Stines	mstines@americanultraviolet.com
Aquaflow Corporation*	Valencia, CA	800-423-3015	www.aquaflowuv.com	Christina Vujovich	c.vujovich@aquafixuv.com
Aquionics*	Erlanger, KY	800-925-0440	www.aquionics.com	David McCarty	davem@aquionics.com
Aqua Ultraviolet	Temecula, CA	800-454-2725	www.aquaultraviolet.com	Ron James	aquauv@aol.com
Atlantic Ultraviolet*	Hempstead, NY	631-273-0500	www.ultraviolet.com	Ann Wysocki	awyscki@atlanticuv.com
Australian Ultra Violet Services (Operations)*	Thomastown, Victoria, Australia	61 3 9464 3855	www.austuv.com.au	John Sly	austuv@austuv.com.au
Berson UV-technik*	Nuenen, Netherlands	31 40 2907777	www.bersonuv.com	Sjors van Gaalen	info@bersonuv.com
BCA/Clearwater Technologies	Langley, BC, Canada	604-539-9399	www.clearwaterworld.com		bca@clearwaterworld.com
BWT Wassertechnik	Schriesheim, Germany	49 6232 5011-0	www.bwt.de	Ralph Bergman	ralph.bergmann@bwt.de
Calgon Carbon*	Pittsburgh, PA	800-422-7266	www.calgoncarbon.com/UV	Scott Frenz	sfrenz@calgoncarbon-usa.com
Cirseo - Suez Environment*	Le Lecq, France	33 1 34 80 23 29	www.suez-env.com	Marie-Laure Janex-Habibi	marie-laure.janex-habibi@suez-env.com
Clean Water Systems International*	Klamath Falls, OR	541-882-9993	www.cleanwatersysintl.com	Charles Romary	sales@cleanwatersysintl.com
Contamination Control	Auckland, New Zealand	64-9-570-9135	www.conlam.co.nz	Steve Swaine	swaine@conlam.co.nz
Emperor Aquatics	Pottstown, PA	610-970-0440	www.emperoraquatics.com	Don Conwell	Don@emperoraquatics.com
Funatech*	Tokyo, Japan	1-3-5624-2700	www.funatech.com	Satoshi Inaba	inaba@funatech.com
H2O Innovation	Quebec City, Canada	418-688-0170	www.h2oinnovation.com	Carole-Anne Dugré	cadugre@h2oinnovation.com
Hanovia Ltd.*	Slough, UK	44 1753 515 300	www.hanovia.com	Mike Shaw	mike.shaw@hanovia.com
Infilco Degremont*	Richmond, VA	804-756-7600	www.infilcodegremont.com	Paris Neofotistos	neofotistos@infilcodegremont.com
Lit Technology*	Moscow, Russia	7-95-733-9526	www.lit-uv.com	Alexander Krasnohub	krasnokhub@npol.ru
MolecuCare® Water†	New Milford, CT	888-242-5883	www.molecucare.com	Arthur Matschke	info@molecucare.com
Ozonla Triogen Ltd.*	Glasgow, UK	44-141 810 4861	www.ozonla-triogen.com	Amad Arafat	amad.arafat@triogen.com
Pacific Keystone Technologies	Auburn, WA	253-859-0162	www.clearwaterworld.com	Mike Morris	keystone@clearwaterworld.com
Pureflow Ultraviolet	Lawrenceville, GA	770-277-6330	www.pureflow.com	Rich Combs	rich@pureflow.com
Purifluc ES Incorporated	London, ON, Canada	519-473-5788	www.purifluc.com	Brian Butters	bbutters@purifluc.com
R-Can Environmental*	Guelph, ON, Canada	519-763-1032	www.r-can.com	Myron Lupal	lupal@r-can.com
Severn Trent Services - Ultradynamics Products*	Ft. Washington, PA	215-646-9201	www.severntrentservices.com	Douglas Gump	dgump@severntrentservices.com
Shenzhen Ocean Power	Shenzhen, China	86-755-83898503	www.oceanpower.com/cn	Watson Zhang	opinfo@oceanpower.com
S.I.T.A.	Genova, Italy	39-010-740-68-48	www.sitauv.com	Sauro Bortesi	info@sitauv.com
Solar Light	Philadelphia, PA	215-927-4206	www.solar.com	John Forrest	jforrest@solar.com
Sunlight Systems Ultraviolet	Allendale, NJ	201-934-7772	www.sunlightsystems.com	Adam Donnellan	adam@sunlightsystems.com
Tana Industries*	Haela, Israel	972-2-9900222	www.tanawater.com	Danny Targan	tana@tami4.co.il

\* IUVA Corporate Members † Clinical/Hospital/Pharmaceutical Water Systems Only

PURIFICS 000156

**Regional Finalist for the 2003 Innovation Award  
for  
Sustainable Development  
Ontario**

Awarded to

*Purifics Environmental Technologies Inc.*

In recognition of your innovative contribution  
to the advancement of Sustainable Development

Presented in partnership with the National Research Council of Canada Industrial  
Research Assistance Program (NRC-IRAP) and Canadian Manufacturers & Exporters (CME)

*Arthur J. Carty*

Arthur J. Carty  
President, National Research Council

*Perrin Beatty*

Hon. Perrin Beatty  
President & CEO  
Canadian Manufacturers & Exporters

**NRC-CMRC  
IRAP-PARI**



Canadian  
Manufacturers &  
Exporters  
Manufacturiers et  
Exportateurs du  
Canada



National Research  
Council Canada

Conseil national  
de recherches Canada

Canada

EXHIBIT

21

PURIFICS 000057



## Media Release

For Immediate Release  
January 06

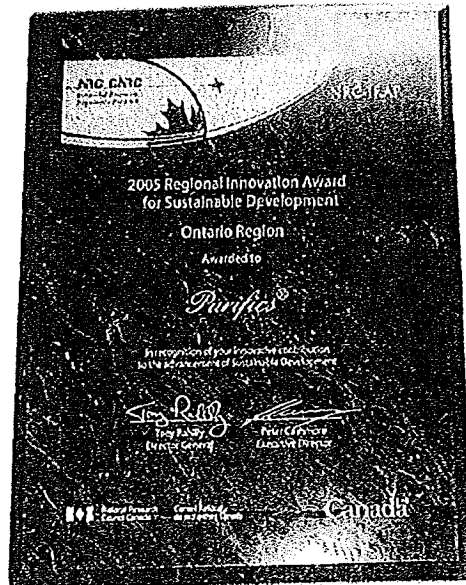
### Puriflcs Receives Innovation Award for Sustainable Development

London, Ontario, Canada – Puriflcs ES Inc. is the recipient of the 2005 Regional Innovation Award for Sustainable Development (Ontario). In December, the National Research Council and the Industrial Research Assistance Program (NRC-IRAP) presented Puriflcs with the award at a ceremony in Queen's Park. Through its recognition of Puriflcs' sustainable technology, NRC/IRAP is supporting technology that significantly benefits the environment.

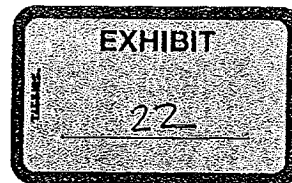
Puriflcs is committed to the development of *clean* technology to ensure the protection of the environment. Puriflcs' technology purifies water and air in numerous remediation, process, and potable water applications. This technology does not require chemical oxidants or other consumables, and does not generate waste. Puriflcs holds seven patents for technologies that support sustainable development and eliminate waste.

Puriflcs is a technology leader in air and water treatment, process design, and control systems. Our strength is in solving problems and simplifying solutions through innovative engineering to achieve environmental and economic benefits.

For additional information contact us at our coordinates listed below.



-30-



WORLDWIDE SUPPORT

340 Sovereign Road, London, ON, Canada, N6M 1A8  
Ph: 519.473.5788, info@Puriflcs.com, www.Puriflcs.com

Puriflcs products are protected by one or more of the following US Patents: #5,462,674/#5,654,300/#5,589,078/#6,136,203/#6,215,126B1/#6,398,971B1/#7,006,473B2. Other domestic and foreign patents are pending. Puriflcs & Photo-Cat are registered trademarks.

PURIFLCS 000103

**From:** Bennett Buchsieb [mailto:irentat@cox.net]  
**Sent:** March 5, 2010 10:11 AM  
**To:** 'Tony Powell'  
**Subject:** Puralytics

Tony,

New technology that is coming out using LED light and fixed Titanium. I wanted you to be aware in case there are potential patent infringements and additionally, they are getting aggressive in trying to generate funding. They are a finalist in a new water technology competition.

<http://www.puralytics.com/html/home.php>

Ben Buchsieb

**Puriflcs ES Inc.**

340 Sovereign Road

London ON N6M 1A8

CANADA

Cell: 602-703-4119

Phone: 519-473-5788

[bbuchsieb@puriflcs.com](mailto:bbuchsieb@puriflcs.com) [www.Puriflcs.com](http://www.Puriflcs.com)

PURIFICS 000180



TTAB

CERTIFICATE OF MAILING (37 C.F.R. § 1.8(a))

I hereby certify that this Petition for Cancellation is being deposited with United States Postal Service for Express Mail, overnight delivery in an envelope addressed to: Box TTAB - Fee, Office of the Commissioner for Trademarks, 2900 Crystal Drive, Arlington, VA 22202-3513 on February 25, 2002.

By: Pamela Carlton  
Pamela Carlton

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

IN THE MATTER OF Registration No. 2,329,320  
Registered on March 14, 2000  
Trademark PURIFIC

PURIFICS ENVIRONMENTAL  
TECHNOLOGIES, INC.,

Petitioner

v.

GLOBAL WATER-AQUACELL, INC.,

Registrant.

Cancellation No. \_\_\_\_\_

02-25-2002  
U.S. Patent & TMO/TM App Rpt DL #73

PETITION FOR CANCELLATION

Petitioner, PURIFICS ENVIRONMENTAL TECHNOLOGIES, INC., a Canadian corporation with a principal place of business at 1941 Mallard Road, London, Ontario, Canada (hereinafter "Petitioner"), believes that it is and will continue to be damaged by Registration No. 2,329,320 and therefore petitions to cancel this registration. As grounds therefor, Petitioner states as follows:

03/01/E002 K8IBB0HS 00000004 2329320

01 FC:376

300.00 DP

416584v2



PURIFICS 000742

"EXPRESS MAIL" EL 698 812 308 US

2,062,935  
24090416.11

## PETITION FOR CANCELLATION

1. Petitioner has acquired extensive rights, including a nationwide reputation for quality services and other goodwill, in the service mark PURIFICS for environmental remediation services, namely, soil, waste, and water treatment services and air purification services in International Class 40.
2. Petitioner owns United States Registration No. 2,062,935. Petitioner has been using the PURIFICS service mark to identify its services since at least as early as December 1993. Petitioner applied to register this mark on March 21, 1996, and the Certificate of Registration issued on May 20, 1997.
3. Petitioner has continuously used the PURIFICS mark in connection with the services specified in Reg. No. 2,062,935.
4. Petitioner has adopted, utilized, and extensively marketed the PURIFICS mark in relation to its services. Petitioner has invested a substantial sum in developing goodwill associated with the PURIFICS mark. Petitioner has developed a substantial trademark identity in the PURIFICS mark among the general purchasing public.
5. On information and belief, GLOBAL WATER-AQUACELL, INC. (hereinafter "Registrant") is a Delaware corporation with its principal place of business at 10410 Trademark Street, Rancho Cucamonga, California.

PURIFICS 000743

2,062,935  
24090416.11

PETITION FOR CANCELLATION

6. Registrant is the owner of record of Reg. No. 2,329,320 for the mark PURIFIC for water coolers in International Class 11. Registrant is using the mark PURIFIC to market and sell water coolers and water purification, filtration and disinfection systems.
7. Registrant applied to register PURIFIC on March 30, 1999, and claimed a first use date of March 1999. The Certificate of Registration for United States Registration No. 2,329,320 issued on March 14, 2000.
8. Registrant's mark PURIFIC is visually and phonetically identical to Petitioner's registered mark PURIFICS. Registrant's mark PURIFIC is also identical in meaning to Petitioner's registered mark PURIFICS.
9. Registrant's use of PURIFIC is in the identical stylized format and font as Petitioner's registered mark PURIFICS.
10. The goods set forth in Registrant's registration of PURIFIC are closely related to those services set forth in Petitioner's registration of PURIFICS.
11. On information and belief, the goods set forth in Reg. No. 2,329,320 are or will be offered to the same class of customers who purchase the services for which Petitioner has used and is using its PURIFICS mark.
12. On information and belief, the goods set forth in Reg. No. 2,329,320 are or will be offered through the same channels of trade as the services set forth in Petitioner's Reg. No. 2,062,935 for PURIFICS.

PURIFICS 000744

2,062,935  
24090416.11

PETITION FOR CANCELLATION

13. Petitioner filed its application to register PURIFICS before Registrant filed its application to register PURIFIC.

14. On information and belief, Petitioner filed its application to register PURIFICS before Registrant began using PURIFIC.

COUNT I: Cancellation under Section 2(d)

15. Petitioner repeats and realleges Paragraphs 1-13 as though fully set forth here.

16. There is a likelihood of confusion between Registrant's use and registration of PURIFIC in connection with the goods set forth in Reg. No. 2,329,320 and Petitioner's use and registration of PURIFICS in connection with the services set forth in Reg. No. 2,062,935.

17. Registrant's use of PURIFIC is likely to cause confusion, to cause mistake, or deceive the consuming public. Registrant's use of PURIFIC is likely to lead the public to believe that the goods offered in connection with Registrant's PURIFIC mark are associated with, sponsored by, or related to, the services offered in connection with Petitioner's PURIFICS mark.

18. Petitioner began using and applied to register PURIFICS in connection with the services set forth in Reg. No. 2,062,935 before Registrant began using or applied to register PURIFIC in connection with the goods set forth in Reg. No. 2,329,320.

19. Therefore, the continued presence of Reg. No. 2,329,320 violates Section 2(d) of the Trademark Act and Reg. No. 2,329,320 should be cancelled.

PURIFICS 000745

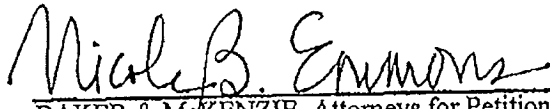


2,062,935  
24090416.11

PETITION FOR CANCELLATION

WHEREFORE, Petitioner prays that this cancellation action be sustained and Reg. No. 2,329,320 be canceled from the Trademark Register.

Pursuant to 37 C.F.R. § 2.6(a)(16), the statutory Cancellation Filing Fee of \$300.00 is enclosed. A duplicate copy of this Petition is enclosed as required by 37 C.F.R. § 2.112(a).

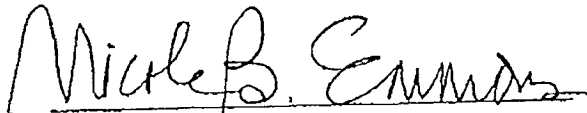
  
BAKER & McKENZIE, Attorneys for Petitioner

Date: February 25, 2002  
BAKER & McKENZIE  
Nicole B. Emmons  
Kimberly F. Rich  
John G. Flaim  
2001 Ross Avenue, Suite 2300  
Dallas, Texas 75201

CERTIFICATE OF SERVICE

On this 25<sup>th</sup> day of February, 2002, I hereby certify that this Petition for Cancellation was served via first class mail, postage prepaid to all counsel of record as listed below.

Harold W. Paul  
Paul & Rosen, L.L.P.  
420 Lexington Avenue  
New York, NY 10170

  
Nicole B. Emmons

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

PURIFICS ENVIRONMENTAL  
TECHNOLOGIES, INC.,  
Petitioner,

v.

GLOBAL WATER-AQUACELL, INC.,  
Registrant.

Cancellation No. 40,579  
Registration No. 2,329,320  
Trademark: PURIFIC

Hon. Commissioner for Trademarks  
Attention: Box TTAB – No Fee  
2900 Crystal Drive  
Arlington, Virginia 22202-3513

04 MAY 21 AM 9:04

SURRENDER FOR CANCELLATION

In accordance with 37 CFR §2.172 and Section 7(e) of the Trademark Act, as amended, Registrant, Global Water-Aquacell, Inc., hereby voluntarily surrenders the subject trademark registration. Attached find a written application executed by an officer of the registrant and the original certificate of registration.

Respectfully submitted,

GLOBAL WATER-AQUACELL, INC.

Date: May 20, 2004

By:

*Kathryn Jennison Shultz*

Kathryn Jennison Shultz  
JENNISON & SHULTZ, P.C.  
Crystal Plaza #1, Suite 1102  
2001 Jefferson Davis Highway  
Arlington, Virginia 22202  
Attorneys for Registrant



PURIFICS 000754

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In re Global Water-Aquacell, Inc.

Reg. No. 2,329,320

Issued: March 14, 2000

International Class 11

Trademark: PURIFIC

Cancellation No. 92/040,579

Hon. Commissioner for Trademarks  
Attention: Box TTAB - No Fee  
2900 Crystal Drive  
Arlington, Virginia 22202-3513

VOLUNTARY SURRENDER OF REGISTRATION

Global Water-Aquacell, Inc., the owner of the above identified registration,  
hereby voluntarily surrenders the registration in accordance with 37 CFR §2.172 and  
Section 7(d) of the Trademark Act, as amended.

The original certificate of registration or a certified status copy showing title is  
attached.

Respectfully submitted,

GLOBAL WATER-AQUACELL, INC.

Date: May 19, 2004

By: Karen Laustsen

Name: Karen Laustsen

Title: President

PURIFICS 000755

# The United States of America



## CERTIFICATE OF REGISTRATION PRINCIPAL REGISTER

*The Mark shown in this certificate has been registered in the United States Patent and Trademark Office to the named registrant.*

*The records of the United States Patent and Trademark Office show that an application for registration of the Mark shown in this Certificate was filed in the Office; that the application was examined and determined to be in compliance with the requirements of the law and with the regulations prescribed by the Commissioner of Patents and Trademarks; and that the Applicant is entitled to registration of the Mark under the Trademark Act of 1946, as Amended.*

*A copy of the Mark and pertinent data from the application are part of this certificate.*

*This registration shall remain in force for TEN (10) years, unless terminated earlier as provided by law, and subject to compliance with the provisions of Section 8 of the Trademark Act of 1946, as Amended.*



*A. Todd Tschumi*

Commissioner of Patents and Trademarks

PURIFICS 000756

Int. Cl.: 11

Prior U.S. Cls.: 13, 21, 23, 31 and 34

Reg. No. 2,329,320

United States Patent and Trademark Office

Registered Mar. 14, 2000

TRADEMARK  
PRINCIPAL REGISTER

PURIFIC

GLOBAL WATER-AQUACELL, INC. (DELA-  
WARE CORPORATION)  
10410 TRADEMARK ST.  
RANCHO CUCAMONGA, CA 91730

FIRST USE 3-0-1999; IN COMMERCE  
3-0-1999.

SER. NO. 75-670,948, FILED 3-30-1999.

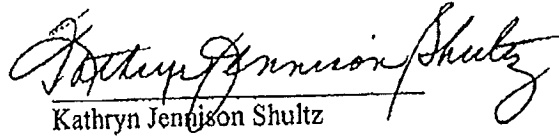
FOR: WATER COOLERS, IN CLASS 11 (U.S.  
CLS. 13, 21, 23, 31 AND 34).

BRANDON BOSS, EXAMINING ATTORNEY

PURIFICS 000757

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing SURRENDER FOR CANCELLATION was served upon Petitioner by mailing same via First Class Mail, postage prepaid, to Petitioner's attorney of record, Kimberley F. Rich, Esq. at Baker & McKenzie, 2001 Ross Avenue, Suite 2300, Dallas, Texas 75201, this 21st day of May, 2004.

  
Kathryn Jennison Shultz

UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
Trademark Trial and Appeal Board  
2900 Crystal Drive  
Arlington, Virginia 22202-3513

am

Mailed: May 21, 2004

Cancellation No. 92040579

PURIFICS ENVIRONMENTAL  
TECHNOLOGIES, INC.

v.

GLOBAL WATER-AQUACELL, INC.

On May 19, 2004, respondent filed a voluntary surrender under Section 7(e) of the Trademark Act of its Registration No. 2329320.

Trademark Rule 2.134(a) provides that if the respondent in a cancellation proceeding applies to cancel its involved registration under Section 7(e) without the written consent of every adverse party to the proceeding, judgment shall be entered against respondent.

In view thereof, and because petitioner's written consent to the voluntary surrender is not of record, judgment is hereby entered against respondent, the petition to cancel is granted, and Registration No. 2329320 will be cancelled in due course.

*By the Trademark Trial*

PURIFICS 000759

*and Appeal Board*



+1 214 978 3051  
kimberly.f.rich@bakernet.com

May 11, 2004

*Via Facsimile and Certified Mail*

Ms. Kathryn Jennison Shultz  
Jennison & Shultz  
Crystal Plaza #1, Suite 1102  
2001 Jefferson Davis Highway  
Arlington, VA 22202-3604

Re: *Puriflcs Environmental Technologies, Inc. v. Global Water-Aquacell, Inc.*  
Cancellation No.: 40,579  
Registration No.: 2,329,320  
Trademark: PURIFIC

Dear Ms. Shultz:

Thanks for contacting me yesterday afternoon to discuss the above-referenced proceeding.

Based on our conversation, I understand that your client is not interested in continuing to defend this matter and will not be producing documents in response to the discovery requests. You also indicated that your client will cease using the PURIFIC mark (the "Mark") and that you have sent your client a form for voluntary surrender of the registration for the Mark. You inquired whether my client would be interested in "purchasing the registration" prior to the surrender.

I spoke to my client this morning and he is not interested in purchasing any rights associated with the mark at this time. Please confirm in writing that your client will cease using the Mark and please provide the date of such cessation.

During our conversation, you also indicated that you would not be opposed to a stay of the proceeding at this time. Based on your representations regarding the voluntary surrender, I am filing the enclosed suspension papers with the TTAB. Please provide the executed voluntary surrender documentation and confirmation of cessation of use of the Mark within 30 days. If we do not receive the requested information within 30 days we will proceed with re-opening the proceeding.

If this correspondence does not accurately reflect our conversation yesterday afternoon, please advise me immediately. Should you have any questions or comments, please do not hesitate to contact me.

Best regards,

Kimberly F. Rich  
Encl.

PURIFICS 000761

DALLIB1/491193.2

Ms. Kathryn Jennison Shultz  
Jennison & Shultz  
May 11, 2004  
Page 2

bcc: Brian Butters (*via facsimile*)  
Nicole Emmons  
John Flaim

PURIFICS 000762

Sthompson/tdc

U. S. DEPARTMENT OF COMMERCE  
PATENT AND TRADEMARK OFFICE

PURIFICS ENVIRONMENTAL TECHNOLOGIES, INC.

v.

GLOBAL WATER-AQUACELL, INC.

Cancellation No. 92040579

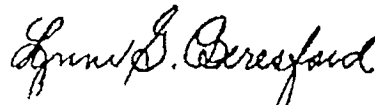
Nicole B. Emmons of Baker & McKenzie for Purifics  
Environmental Technologies, Inc.

Global Water-Quacell, Inc. pro se.

Whereas, Purifics Environmental Technologies, Inc.  
petitioned for cancellation of Registration No. 2,329,320,  
issued March 14, 2000, to Global Water-Aquacell, Inc.; and

Whereas, Global Water-Aquacell, Inc. has filed  
application for cancellation under Section 7(e) of the  
Trademark Act of 1946, with the consent of petitioner;

It is ordered that Registration No. 2,329,320, and it  
is hereby, cancelled.



Lynne G. Beresford  
Acting Deputy Commissioner  
for Trademark Operations

JUN 29 2004

PURIFICS 000763



## United States Patent and Trademark Office

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### Trademarks > Trademark Electronic Search System (TESS)

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[Logout] Please logout when you are done to release system resources allocated for you.

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TARR Status ASSIGN Status TOR TTAB Status (Use the "Back" button of the Internet Browser to return to TESS)

# PURIFEX

Word Mark  
Goods and  
Services

PURIFEX

IC 011. US 013 021 023 031 034. G & S: Filter media available as components of water purifiers and water filtering units for domestic and commercial use. FIRST USE: 20080801. FIRST USE IN COMMERCE: 20080801

Standard  
Characters  
Claimed

Mark Drawing  
Code

(4) STANDARD CHARACTER MARK

Serial Number

77495049

Filing Date

June 10, 2008

Current Filing  
Basis

1A

Original Filing  
Basis

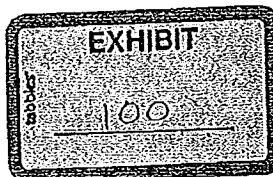
1B

Published for  
Opposition

April 28, 2009

Registration  
Number

3845717



PUR000451

<http://tess2.uspto.gov/bin/gate.exe?f=doc&state=4003%3Ani6b15.2.254>

Registration Date September 7, 2010  
Owner (REGISTRANT) Puronics, Inc. CORPORATION CALIFORNIA 5775 Las Positas Road  
Livermore CALIFORNIA 94551  
Attorney of Record Nathan E. Ferguson  
Type of Mark TRADEMARK  
Register PRINCIPAL  
Live/Dead Indicator LIVE

TESS HOME NEW USER STRUCTURE FEE FORM USPTO OFF SEARCH LOG TOP HELP PRIVACY  
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PUR000452



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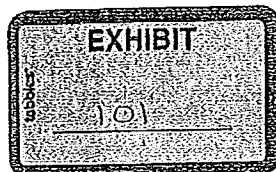
[Logout] Please logout when you are done to release system resources allocated for you.

[Start] List At:  OR [Jump] to record:  **Record 239 out of 536**

TARR Status ASSIGN Status IUR TTAD Status ( Use the "Back" button of the Internet Browser to return to TESS)



Word Mark PURIFICA  
Translations The English translation of the word "PURIFICA" in the mark is "PURIFY".  
Goods and Services IC 011. US 013 021 023 031 034. G & S: Water filtration dispenser systems, namely, water filtering units for domestic and commercial use. FIRST USE: 20080211. FIRST USE IN COMMERCE: 20080211  
Mark Drawing Code (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS  
Design Search Code 01.15.18 - More than one drop including teardrops or raindrops; multiple drops (rain, tear, etc.); Raindrops (more than a single drop); Teardrops (more than a single drop)  
26.09.21 - Squares that are completely or partially shaded  
Trademark  
Search Facility INAN Inanimate objects such as lighting, clouds, footprints, atomic  
Classification configurations, snowflakes, rainbows, flames  
Code  
Serial Number 77623243  
Filing Date November 29, 2008  
Current Filing Basis 1A  
Original Filing 1A,



PUR000453

<http://tess2.uspto.gov/bin/gate.exe?f=doc&state=4003%3Ani6b15.2.239>

**Basis**

Published for  
Opposition May 26, 2009

Registration  
Number 3666172

Registration  
Date August 11, 2009

Owner (REGISTRANT) Purific of America, Inc. CORPORATION FLORIDA 400 N. Ashley Avenue,  
Suite 3025 Tampa FLORIDA 33602

Attorney of  
Record Eric D. Offner

Disclaimer NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "PURIFICA" APART FROM  
THE MARK AS SHOWN

Description of  
Mark Color is not claimed as a feature of the mark. The mark consists of the word "PURIFICA"  
under a design of three water drops, all within the design of a water drop.

Type of Mark TRADEMARK

Register PRINCIPAL

Live/Dead  
Indicator LIVE

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PUR000454



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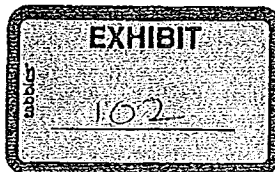
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## PURIFITE

Word Mark	PURIFITE
Goods and Services	IC 011. US 013 021 023 031 034. G & S: Water purification apparatus. FIRST USE: 20060405. FIRST USE IN COMMERCE: 20060405
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	78533611
Filing Date	December 16, 2004
Current Filing Basis	1A
Original Filing Basis	1B
Published for Opposition	September 13, 2005
Registration Number	3131065
Registration Date	August 15, 2006
Owner	(REGISTRANT) Fite, Robert D. INDIVIDUAL UNITED STATES 03179 Spring Drive Boyne Falls MICHIGAN 49713
Attorney of Record	John K. McCormick
Type of Mark	TRADEMARK



PUR000455

<http://tess2.uspto.gov/bin/gate.exe?f=doc&state=4007%3Abgrq3k.2.141>



Register            PRINCIPAL  
Live/Dead Indicator   LIVE

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PUR000456



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# PURATIVE

Word Mark PURATIVE  
Goods and Services IC 011. US 013 021 023 031 034. G & S: Water purification and filtration apparatus.  
FIRST USE: 20110129. FIRST USE IN COMMERCE: 20110218  
Standard Characters Claimed  
Mark Drawing Code (4) STANDARD CHARACTER MARK  
Serial Number 85273775  
Filing Date March 22, 2011  
Current Filing Basis 1A  
Original Filing Basis 1A  
Published for Opposition October 18, 2011  
Registration Number 4079429  
Registration Date January 3, 2012  
Owner (REGISTRANT) Water and Wellness Solutions Inc. CORPORATION NEVADA 3760  
Barron Way Reno NEVADA 89511  
Attorney of Record Anthony McNamer  
Type of Mark TRADEMARK



PUR000461

<http://tess2.uspto.gov/bin/gate.exe?f=doc&state=4001%3Atm9j50.8.5>

Register PRINCIPAL  
Live/Dead Indicator LIVE

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# PURONICS

**Word Mark** PURONICS

**Goods and Services** IC 011. US 013 021 023 031 034. G & S: Water conditioning units; water purifiers; water softening units; water sterilizing units; water filtering units for domestic use; water filtering units for commercial use; water filtering units for industrial use; water treatment equipment, namely, acid neutralizing units, faucets, faucets which meter the flow of water, membrane filtration units, reverse osmosis units, ion exchange units; Air filtration units. FIRST USE: 20060531. FIRST USE IN COMMERCE: 20060531

**Mark Drawing Code** (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

**Design Search Code** 01.15.08 - Raindrop (a single drop); Single drop (rain, tear, etc.); Teardrop (a single drop)  
27.03.05 - Objects forming letters or numerals

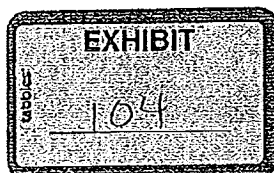
**Trademark Search Facility** INAN Inanimate objects such as lighting, clouds, footprints, atomic configurations, snowflakes, rainbows, flames

**Code**

**Serial Number** 77975527

**Filing Date** February 12, 2007

**Current Filing Basis** 1A



PUR000485

<http://tess2.uspto.gov/bin/gate.exe?f=doc&state=4007%3Abgrq3k.2.197>

Original Filing Basis 1A;1B  
Published for Opposition May 1, 2007  
Registration Number 3473558  
International Registration Number 0938210  
Registration Date July 22, 2008  
Owner (REGISTRANT) Puronics, Incorporated CORPORATION CALIFORNIA 5775 Las Positas Road Livermore CALIFORNIA 94551  
Attorney of Record Thomas P. Murphy  
Description of Mark Color is not claimed as a feature of the mark. The mark consists of the word "PURONICS" in stylized lettering which depicts a droplet falling from the letter "O".  
Type of Mark TRADEMARK  
Register PRINCIPAL  
Live/Dead Indicator LIVE

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PUR000486



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# PURONICS

Word Mark  
Goods and  
Services

PURONICS

IC 011. US 013 021 023 031 034. G & S: Water conditioning units; water purifiers; water softening units; water sterilizing units; water filtering units for domestic use; water filtering units for commercial use; water filtering units for industrial use; water treatment equipment, namely, acid neutralizing units, faucets, faucets which meter the flow of water, membrane filtration units, reverse osmosis units, ion exchange units. FIRST USE: 20070822. FIRST USE IN COMMERCE: 20070822

IC 036. US 100 101 102. G & S: Financial services, namely, consumer financing and commercial financing. FIRST USE: 20070930. FIRST USE IN COMMERCE: 20070930

Standard  
Characters  
Claimed

Mark Drawing  
Code

(4) STANDARD CHARACTER MARK

Serial Number

78979448

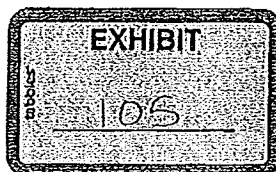
Filing Date

October 30, 2005

Current Filing  
Basis

1A

Original Filing



PUR000528

<http://tess2.uspto.gov/bin/gate.exe?f=doc&state=4001%3Atn9j50.8.72>

**Basis** 1B  
**Published for Opposition** July 11, 2006  
**Registration Number** 3393438  
**International Registration Number** 0889402  
**Registration Date** February 12, 2008  
**Owner** (REGISTRANT) PURONICS, INC. CORPORATION CALIFORNIA 5775 Las Positas Road  
Livermore CALIFORNIA 94551  
**Assignment Recorded** ASSIGNMENT RECORDED  
**Attorney of Record** Thomas P. Murphy  
**Type of Mark** TRADEMARK. SERVICE MARK  
**Register** PRINCIPAL  
**Live/Dead Indicator** LIVE

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# PURATRON

Word Mark PURATRON  
Goods and Services IC 011, US 013 021 023 031 034, G & S: Air purifiers; Water purifiers. FIRST USE: 20051220. FIRST USE IN COMMERCE: 20051220  
Standard Characters Claimed  
Mark Drawing Code (4) STANDARD CHARACTER MARK  
Serial Number 78980806  
Filing Date January 10, 2006  
Current Filing Basis 1A  
Original Filing Basis 1B  
Published for Opposition August 28, 2007  
Registration Number 3570889  
Registration Date February 3, 2009  
Owner (REGISTRANT) Suarez Corporation Industries CORPORATION OHIO 7800 Whipple Avenue, N.W. North Canton OHIO 44720

PUR000526

<http://tess2.uspto.gov/bin/gate.exe?f=doc&state=4001%3Atm9j50.8.69>





(LAST LISTED OWNER) RESOURCE PARTNERS ENTERPRISES, LLC LIMITED  
LIABILITY COMPANY OHIO 7800 WHIPPLE AVENUE, N.W. NORTH CANTON OHIO  
44720

Assignment  
Recorded ASSIGNMENT RECORDED  
Attorney of Record John P. Murtaugh  
Type of Mark TRADEMARK  
Register PRINCIPAL  
Live/Dead Indicator LIVE

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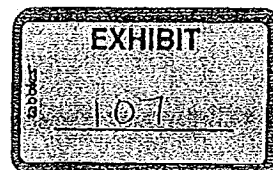
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# PUREFIT

Word Mark PUREFIT  
Goods and Services IC 011. US 013 021 023 031 034. G & S: Water purification units. FIRST USE: 20051201. FIRST USE IN COMMERCE: 20051201  
Standard Characters Claimed  
Mark Drawing Code (4) STANDARD CHARACTER MARK  
Serial Number 78809252  
Filing Date February 7, 2006  
Current Filing Basis 1A  
Original Filing Basis 1B  
Published for Opposition October 10, 2006  
Registration Number 3341641  
Registration Date November 20, 2007  
Owner (REGISTRANT) SIEMENS WATER TECHNOLOGIES HOLDING CORP.  
CORPORATION DELAWARE 181 THORN HILL ROAD WARRENDALE  
PENNSYLVANIA 15086

PUR000530

<http://tess2.uspto.gov/bin/gate.exe?f=doc&state=4001%3Atn9j50.8.76>



(LAST LISTED OWNER) SIEMENS INDUSTRY, INC. CORPORATION DELAWARE  
3333 OLD MILTON PARKWAY ALPHARETTA GEORGIA 30005

Assignment Recorded ASSIGNMENT RECORDED  
Attorney of Record Peter C. Lando  
Type of Mark TRADEMARK  
Register PRINCIPAL  
Live/Dead Indicator LIVE

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# PURICA

Word Mark PURICA

Translations The wording "PURICA" has no meaning in a foreign language.

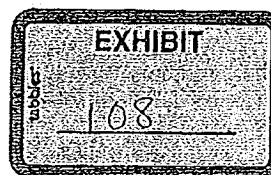
Goods and Services IC 003. US 001 004 006 050 051 052. G & S: Cosmetics, namely, lipstick, lipliner, lipgloss, foundation and concealer, facial powders and blush, mascara, eye shadow, eyeliner, eyebrow pencils, makeup remover, nail polish, nail polish remover, skin care products, namely, skin cleansers, soaps, skin masks, face cream, eye cream, moisturizers, hand and body lotions and salves, suntan lotion and cream, toner, astringents and depilatories, bath oils, bath and shower gels, bubble bath, bath crystals, bath grains, bath salts, soaps, body scrubs, body massage oils; hair care products, namely, shampoo, conditioner and treatments, hair coloring preparations, hair permanents, hair relaxers, mousse, styling and setting lotions, hairspray, hair thickener, glazes and texturizers; Household cleaning products, namely, all-purpose household cleaners, dishwashing detergent, laundry soap and dish soap

IC 005. US 006 018 044 046 051 052. G & S: Health food supplements

IC 035. US 100 101 102. G & S: Retail store services offering cosmetics, skin care and hair care products, health food and health food supplements, light fixtures, namely, full spectrum lights, household cleaning products, filters, namely, air filters and water filters, home care products, home accessories, books, pre-recorded compact discs and DVDs

Standard Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK



PUR000897

Trademark  
Search Facility SHAPES-MISC Miscellaneous shaped designs  
Classification Code  
Serial Number 76601633  
Filing Date July 9, 2004  
Current Filing Basis 44E  
Original Filing Basis 1B;44D  
Published for Opposition June 10, 2008  
Registration Number 3490868  
Registration Date August 26, 2008  
Owner (REGISTRANT) The Nutraceutical Medicine Company, Inc. CORPORATION CANADA  
3006 Boys Road, #2 Duncan, BC CANADA V9L 6W4  
Attorney of Record KIRSTEN SEVERSON  
Priority Date February 12, 2004  
Type of Mark TRADEMARK. SERVICE MARK  
Register PRINCIPAL  
Live/Dead Indicator LIVE

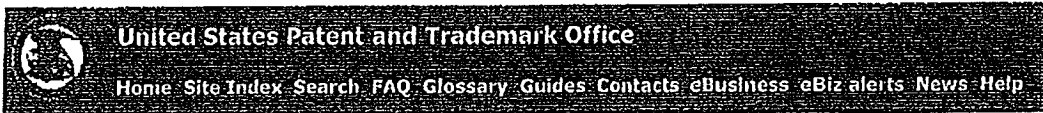
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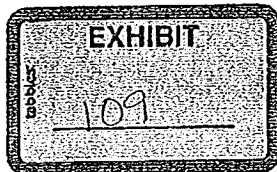
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# PURETEC

Word Mark PURETEC  
Goods and Services IC 040. US 100 103 106. G & S: INDUSTRIAL WATER TREATMENT AND PURIFICATION.  
FIRST USE: 19980820. FIRST USE IN COMMERCE: 19980820  
Standard Characters Claimed  
Mark Drawing Code (4) STANDARD CHARACTER MARK  
Trademark Search Facility LETTER-3-OR-MORE TEC Combination of three or more letters as part of the mark  
Classification SHAPES-MISC Miscellaneous shaped designs  
Code  
Serial Number 76673850  
Filing Date March 9, 2007  
Current Filing Basis 1A  
Original Filing Basis 1A  
Published for Opposition February 9, 2010  
Registration Number 3779811



PUR000902

Registration Date April 27, 2010  
Owner (REGISTRANT) J HARRIS INDUSTRIAL WATER CORPORATION CALIFORNIA 3151  
STURGIS ROAD OXNARD CALIFORNIA 93030  
Attorney of Record David G. Bray  
Type of Mark SERVICE MARK  
Register PRINCIPAL  
Live/Dead Indicator LIVE

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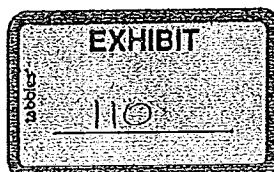
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#### Typed Drawing

Word Mark PURAC  
Goods and Services IC 011. US 013 021 023 031 034. G & S: (Based on 44(e)) WATER TREATMENT INSTALLATIONS, COMPRISING ONE OR MORE OF THE FOLLOWING - WATER PURIFICATION PLANTS, SEWAGE AND WASTEWATER TREATMENT PLANTS, FLOCCULATION TANKS, FLOTATION TANKS, SEDIMENTATION TANKS, FILTRATION TANKS WITH AND WITHOUT GRANULAR FILTRATION MEDIA, AND PARTS THEREFOR  
IC 037. US 100 103 106. G & S: CONSTRUCTION OF WATER AND WASTE WATER TREATMENT FACILITIES FOR OTHERS. FIRST USE: 20010100. FIRST USE IN COMMERCE: 20021100  
IC 042. US 100 101. G & S: (Based on 44(e)) PROCESS Engineering SERVICES RELATING TO THE PROCESS OF WATER AND WASTE WATER BEING TREATED AT THE FACILITIES OF OTHERS

Mark Drawing Code (1) TYPED DRAWING  
Serial Number 76396106  
Filing Date April 18, 2002  
Current Filing Basis 1A;44E  
Original Filing Basis 1B;44E  
Published for Opposition September 13, 2005  
Registration 3022367



PUR000517



Number

Registration  
Date December 6, 2005

Owner (REGISTRANT) Purac AB CORPORATION SWEDEN Box 1146 S-221 05 Lund SWEDEN

(LAST LISTED OWNER) LACKEY WATER AB CORPORATION SWEDEN P.O. BOX 1146  
SE-221 05 LUND SWEDEN

Assignment  
Recorded ASSIGNMENT RECORDED

Attorney of  
Record Adrienne L. White

Type of Mark TRADEMARK, SERVICE MARK

Register PRINCIPAL

Live/Dead  
Indicator LIVE

YES/NO	NEW/OLD	SIG/DOC	FILE FORM	HOW TO USE	SEARCH/OC	TOP	UP	DOWN
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# Puroflo

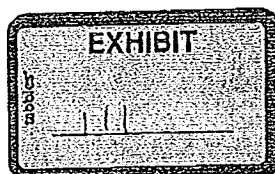
**Word Mark** PUROFLO  
**Goods and Services** IC 011, US 013 021 023 031 034, G & S: Water purification system and accessories components therefor sold as a unit with the system, namely, countertop water filtering unit, under sink water filtering unit, counter top reverse osmosis unit, under sink reverse osmosis unit, commercial reverse osmosis unit, water cooler, water softener unit, flow meter, pressure regulator, auto shut off, high pressure regulator, flow restrictor, membrane vessel, filter housing, high capacity filter housing, push-in filtering, carbon block, reverse osmosis storage tank, filter cartridge. FIRST USE: 20070701. FIRST USE IN COMMERCE: 20070701

**Mark Drawing Code** (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

**Design Search Code** 05.03.25 - Leaf, single; Other leaves  
27.01.03 - Letters forming plants; Numbers forming plants; Plants composed of letters or numerals; Punctuation forming plants

**Trademark Search Facility** SHAPES-MISC Miscellaneous shaped designs  
**Classification Code** VEG Plant life such as trees, flowers, fruits, grains, nuts, wreaths, and leaves

**Serial Number** 76687430  
**Filing Date** March 6, 2008



PUR000507

Current Filing Basis 1A  
Original Filing Basis 1A  
Published for Opposition July 22, 2008  
Registration Number 3510488  
Registration Date October 7, 2008  
Owner (REGISTRANT) Puregen Technology, Inc. CORPORATION CALIFORNIA 5423 "G" Street Chino CALIFORNIA 91710  
Attorney of Record Charles E. Baxley  
Description of Mark Color is not claimed as a feature of the mark.  
Type of Mark TRADEMARK  
Register PRINCIPAL  
Live/Dead Indicator LIVE

TESS HOME NEW REGISTRATION TOLL FREE SEARCH LOG 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100 101 102 103 104 105 106 107 108 109 110 111 112 113 114 115 116 117 118 119 120 121 122 123 124 125 126 127 128 129 130 131 132 133 134 135 136 137 138 139 140 141 142 143 144 145 146 147 148 149 150 151 152 153 154 155 156 157 158 159 160 161 162 163 164 165 166 167 168 169 170 171 172 173 174 175 176 177 178 179 180 181 182 183 184 185 186 187 188 189 190 191 192 193 194 195 196 197 198 199 200 201 202 203 204 205 206 207 208 209 210 211 212 213 214 215 216 217 218 219 220 221 222 223 224 225 226 227 228 229 230 231 232 233 234 235 236 237 238 239 240 241 242 243 244 245 246 247 248 249 250 251 252 253 254 255 256 257 258 259 260 261 262 263 264 265 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2013 2014 2015 2016 2017 2018 2019 2020 2021 2022 2023 2024 2025 2026 2027 2028 2029 2030 2031 2032 2033 2034 2035 2036 2037 2038 2039 2040 2041 2042 2043 2044 2045 2046 2047 2048 2049 2050 2051 2052 2053 2054 2055 2056 2057 2058 2059 2060 2061 2062 2063 2064 2065 2066 2067 2068 2069 2070 2071 2072 2073 2074 2075 2076 2077 2078 2079 2080 2081 2082 2083 2084 2085 2086 2087 2088 2089 2090 2091 2092 2093 2094 2095 2096 2097 2098 2099 2100 2101 2102 2103 2104 2105 2106 2107 2108 2109 2110 2111 2112 2113 2114 2115 2116 2117 2118 2119 2120 2121 2122 2123 2124 2125 2126 2127 2128 2129 2130 2131 2132 2133 2134 2135 2136 2137 2138 2139 2140 2141 2142 2143 2144 2145 2146 2147 2148 2149 2150 2151 2152 2153 2154 2155 2156 2157 2158 2159 2160 2161 2162 2163 2164 2165 2166 2167 2168 2169 2170 2171 2172 2173 2174 2175 2176 2177 2178 2179 2180 2181 2182 2183 2184 2185 2186 2187 2188 2189 2190 2191 2192 2193 2194 2195 2196 2197 2198 2199 2200 2201 2202 2203 2204 2205 2206 2207 2208 2209 2210 2211 2212 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### Typed Drawing

**Word Mark** PUREFACTA  
**Goods and Services** IC 011. US 013 021 023 031 034. G & S: water conditioning and purifying systems for domestic use, comprised of water filters, sterilizing filters, membrane filters, and reverse osmosis purifiers; drinking water filters. FIRST USE: 20020501. FIRST USE IN COMMERCE: 20030801

**Mark Drawing Code** (1) TYPED DRAWING

**Serial Number** 76412726

**Filing Date** May 24, 2002

**Current Filing Basis** 1A

**Original Filing Basis** 1B

**Published for Opposition** November 16, 2004

**Registration Number** 2971408

**Registration Date** July 19, 2005

**Owner** (REGISTRANT) Kinetico Incorporated CORPORATION OHIO 10845 Kinsman Road Newbury OHIO 44065

**Assignment Recorded** ASSIGNMENT RECORDED

**Attorney of Record** J. R. Hlavka



PUR000501



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# PURAMAX

Word Mark PURAMAX

Goods and Services IC 011. US 013 021 023 031 034. G & S: Wastewater treatment and purification units, namely, systems for the treatment and purification of waste water and effluent liquids comprised primarily of fixed film and suspended media aerobic treatment units, trash or septic or primary tanks, filter beds, clarifiers, blowers, electrical panels, instrumentation, pipes and structural parts therefor, all for single house or cluster or community or commercial or municipal or industrial wastewater or effluent liquid treatment use only. FIRST USE: 20100330. FIRST USE IN COMMERCE: 20100330

Standard Characters Claimed

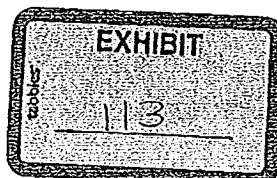
Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 77126705

Filing Date March 9, 2007

Current Filing Basis 1A

Original Filing Basis 1B



PUR000497

<http://tess2.uspto.gov/bin/gate.exe?f=doc&state=4003%3Ani6b15.2.258>

Published for  
Opposition March 11, 2008

Registration  
Number 4006373

Registration  
Date August 2, 2011

Owner (REGISTRANT) Bord Na Mona plc PUBLIC LIMITED COMPANY (PLC) IRELAND Main  
Street, Newbridge Co. Kildare IRELAND

Attorney of  
Record Keith A. Wellsch

Type of Mark TRADEMARK

Register PRINCIPAL

Live/Dead  
Indicator LIVE

FILED IN: NAVIGATOR STRUCTURED FULL FORM DISCOVER LOG SEARCH LOG TOPS HELP PREVIOUS  
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PUR000498



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# PURLOGIX

Word Mark PURLOGIX  
Goods and Services IC 011. US 013 021 023 031 034. G & S: bottleless water purification system consisting of water purification unit, water dispenser, programmable microprocessor, operating software, and water filters that produces potable water for domestic and commercial point of use. FIRST USE: 20050401. FIRST USE IN COMMERCE: 20050401

Standard Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 76640190

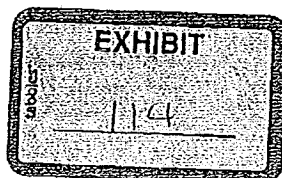
Filing Date June 1, 2005

Current Filing Basis 1A

Original Filing Basis 1A

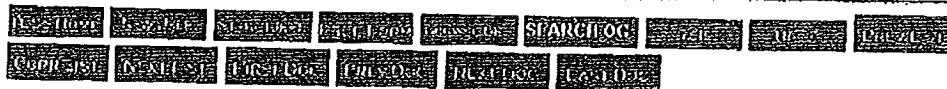
Published for Opposition April 18, 2006

Registration 3113550



PUR000509

Number  
Registration Date July 11, 2006  
Owner (REGISTRANT) Pure Health Solutions, Inc. CORPORATION IDAHO 120 East Lake Street, Suite 401 Sandpoint IDAHO 83864  
Attorney of Record Kim R. Pearson  
Type of Mark TRADEMARK  
Register PRINCIPAL  
Live/Dead Indicator LIVE



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PUR000510





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# PURICOM

Word Mark PURICOM  
Goods and Services IC 011, US 013 021 023 031 034, G & S: WATER PURIFICATION UNITS; WATER PURIFIERS; REVERSE OSMOSIS FILTRATION UNITS; REVERSE OSMOSIS WATER PURIFICATION UNITS; WATER FILTERS; REVERSE OSMOSIS DRINKING WATER MACHINES; WATER TREATMENT EQUIPMENT, NAMELY, ULTRAVIOLET STERILIZATION UNITS. FIRST USE: 19891231. FIRST USE IN COMMERCE: 20020630

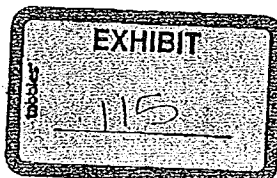
Mark Drawing Code (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

Design Search Code 01.15.03 - Fire (flames), other than emanating from objects, words, numbers, fireplaces or candles; Flames, other than flames emanating from objects, words, numbers, fireplaces or candles  
01.15.08 - Raindrop (a single drop); Single drop (rain, tear, etc.); Teardrop (a single drop)  
26.03.12 - Ovals with bars, bands and lines  
26.03.21 - Ovals that are completely or partially shaded  
27.03.01 - Geometric figures forming letters, numerals or punctuation  
27.03.05 - Objects forming letters or numerals

Serial Number 76473277

Filing Date November 20, 2002

Current Filing Basis 1A



PUR000513

<http://tess2.uspto.gov/bin/gate.exe?f=doc&state=4002%3Apm9oaq.2.392>

Original Filing Basis 1A  
Published for Opposition February 24, 2004  
Registration Number 2842423  
Registration Date May 18, 2004  
Owner (REGISTRANT) PURICOM WATER INDUSTRIAL CORPORATION CORPORATION  
TAIWAN NO.5-28, CHENG FONG LANE TAIMING RD., WURH TOWNSHIP TAICHUNG  
COUNTY TAIWAN  
Attorney of Record Morton J. Rosenberg, Esq.  
Description of Mark The design component in the mark consists of an "O" having horizontal lines graduating in spacing from wider above to narrower below with a center shape like a drop of water. The lining is a feature of the mark and does not indicate color.  
Type of Mark TRADEMARK  
Register PRINCIPAL  
Affidavit Text SECT 15. SECT 8 (6-YR).  
Live/Dead Indicator LIVE

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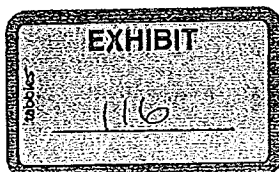
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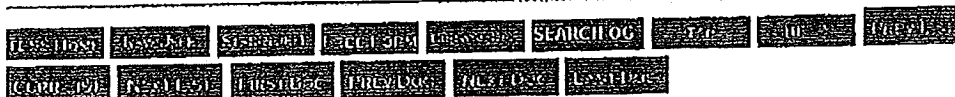


Word Mark	IPURE
Goods and Services	IC 011. US 013 021 023 031 034. G & S: Water Purification Units. FIRST USE: 20001215. FIRST USE IN COMMERCE: 20001215
Mark Drawing Code	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design Search Code	01.15.08 - Raindrop (a single drop); Single drop (rain, tear, etc.); Teardrop (a single drop) 26.01.21 - Circles that are totally or partially shaded. 27.03.05 - Objects forming letters or numerals
Serial Number	76190237
Filing Date	January 5, 2001
Current Filing Basis	1A
Original Filing Basis	1A
Published for Opposition	April 9, 2002
Registration Number	2587850



PUR000505

Registration Date July 2, 2002  
Owner (REGISTRANT) Pure H2O Technologies, Inc. CORPORATION DELAWARE 211  
Warren Street, Suite 318 Newark NEW JERSEY 07103  
  
(LAST LISTED OWNER) PURE H2O TECHNOLOGIES, INC. CORPORATION  
DELAWARE 211 WARREN STREET SUITE 318 NEWARK NEW JERSEY 07103  
  
Assignment Recorded ASSIGNMENT RECORDED  
Attorney of Record Michael N. Mercanti  
Description of Mark The mark consists of the wording "IPURE" with the letter "I" depicted as an inverted  
exclamation point.  
Type of Mark TRADEMARK  
Register PRINCIPAL  
Affidavit Text SECT 15. SECT 8 (6-YR).  
Live/Dead Indicator LIVE



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PUR000506



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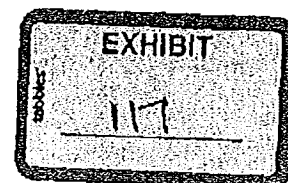
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## Typed Drawing

**Word Mark** PURIFICS  
**Goods and Services** IC 040. US 100 103 106. G & S: environmental remediation services, namely, soil, waste and water treatment services and air purification services. FIRST USE: 19931200. FIRST USE IN COMMERCE: 19931200

**Mark Drawing Code** (1) TYPED DRAWING  
**Serial Number** 75076222  
**Filing Date** March 21, 1996  
**Current Basis** 1A  
**Original Filing Basis** 1A  
**Published for Opposition** February 25, 1997  
**Registration Number** 2062935  
**Registration Date** May 20, 1997  
**Owner** (REGISTRANT) Purifics Environmental Technologies, Inc. CORPORATION CANADA 340 SOVEREIGN ROAD London, Ontario, N6M1A8 CANADA  
  
(LAST LISTED OWNER) 1047406 ONTARIO LTD. CORPORATION CANADA 340 SOVEREIGN ROAD LONDON, ONTARIO CANADA N6M1AB

**Assignment Recorded** ASSIGNMENT RECORDED  
**Attorney of Record** Robert W. Sacoff  
**Type of Mark** SERVICE MARK  
**Register** PRINCIPAL  
**Affidavit Text** SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20070611.



Renewal 1ST RENEWAL 20070611  
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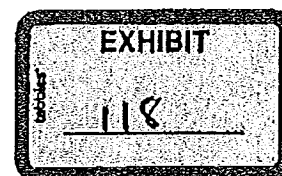
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# PURALYTICS

Word Mark	PURALYTICS
Goods and Services	IC 011, US 013 021 023 031 034, G & S: Waste water purification units; Water purification and filtration apparatus; Water purification units
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	77861438
Filing Date	October 30, 2009
Current Basis	1B
Original Filing Basis	1B
Published for Opposition	April 6, 2010
Owner	(APPLICANT) UVCleaning Systems, Inc. DBA Puralytics CORPORATION OREGON 15250 NW Greenbrier Parkway Beaverton OREGON 97006
Attorney of Record	David P. Petersen
Type of Mark	TRADEMARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

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